



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

### Usage guidelines

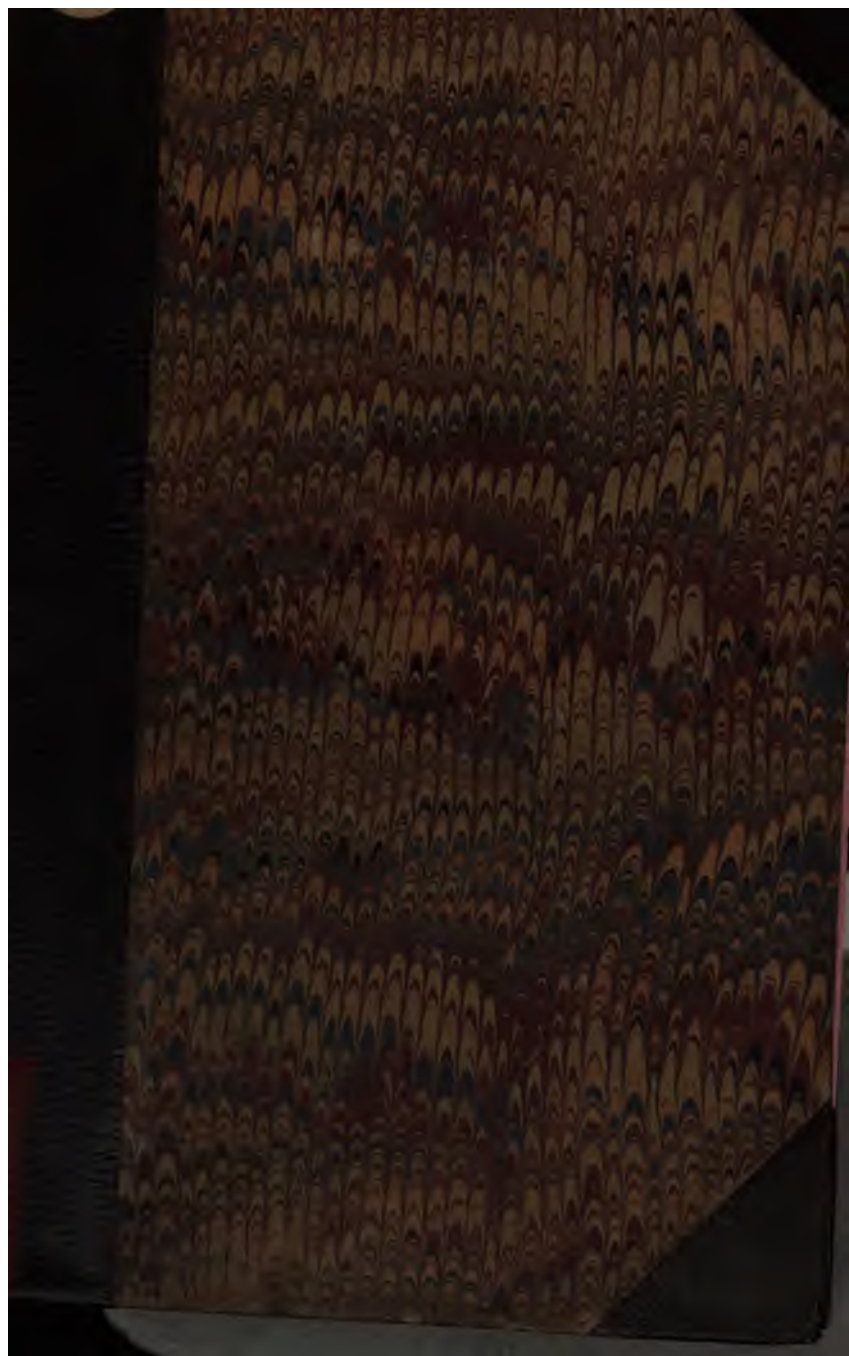
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

### About Google Book Search

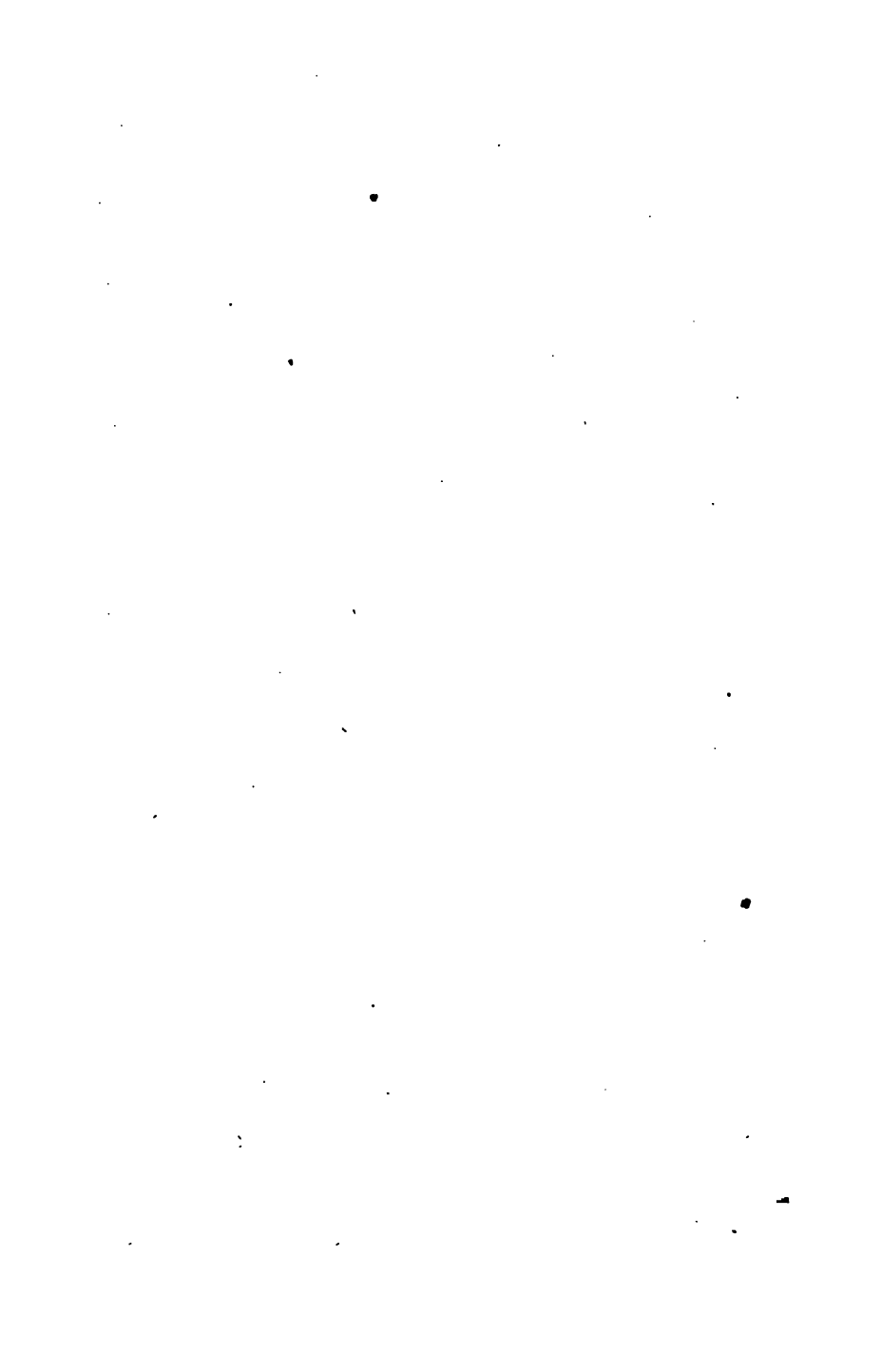
Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

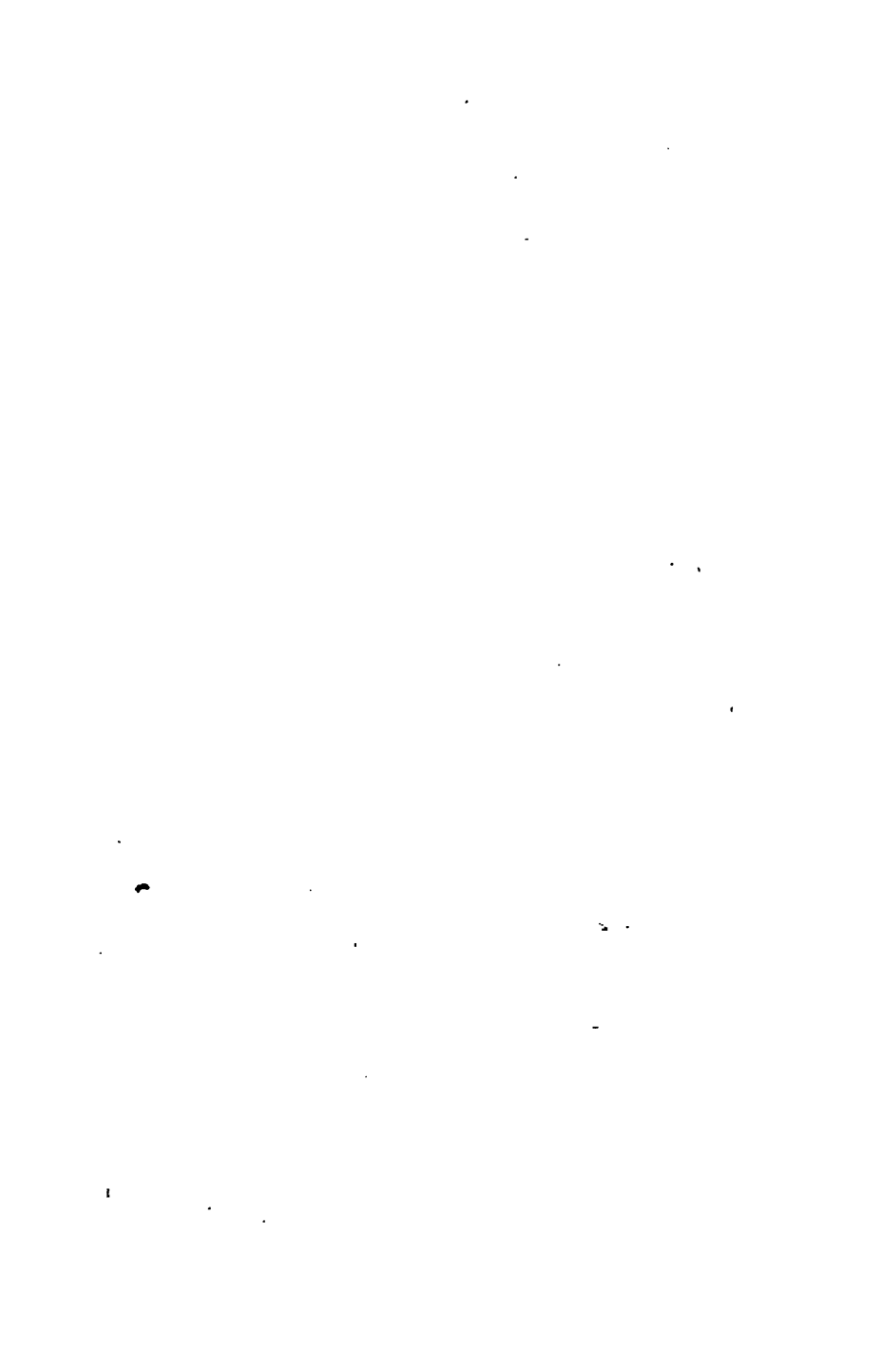


Am. Lit.

55. 6. 49.







AN  
ANSWER

TO AN  
Anonymous Libel,

ENTITLED,  
ARTICLES *exhibited against*  
Lord ARCHIBALD HAMILTON,  
*late Governour of Jamaica ; with*  
*sundry Depositions and Proofs relating*  
*to the same.*

---

*By Lord* ARCHIBALD HAMILTON.

---

---

L O N D O N :

Printed in the Year M D C C X V I I I .





A N  
A N S W E R  
T O A N  
*Anonymous Libel, &c.*



I may have been expected, that before now some Answer should have been given to a Paper, entitled, *Articles Exhibited against Lord Archibald Hamilton*, for the Satisfaction of several Persons of Honour, into whose Hands that Libel (for so I think I may call it) has been industriously put, and who may not themselves have had Leisure and Opportunity to examine into it.

But as upon dropping that Charge by the Prosecutors themselves, I had (as the only Method left to justify my Self) presented an Humble Memorial to His Majesty, which contained, among other Things, the Substance of those Articles : And as the same has all this while lain before His Majesty for His Consideration in Council, upon the following Report of the Lords Commissioners for Trade and Plantations, to whom it was referred ; it will appear to have been highly improper for me to have publish'd any thing in my own Vindication, till I knew what that Report contained, and what was His Majesty's Determination thereupon.

As that Report has now been consider'd and approv'd by His Majesty's Council, and His Majesty has thought fit to Remove all those Persons I complain'd of, I think the Publication of the Report will be sufficient for the Justification of that Honourable Board, upon whom this Publisher has groundlessly reflected ; and it will not be difficult for me to add, what may be farther Necessary to my own.

His Candor in his Preface, in asserting, *My having encouraged Pyratival Hostilities*, (as if it had been a thing taken for granted) whilst the very contrary was determined, the Manner of, and by whom *that*  
*Repre-*

*Representation* was first made, the Orders thereupon, the Methods taken in the Enquiry, the Conduct and Characters of the Enquirers themselves, as well as the Proceedings since, and who it is that is fallen now under *His Majesty's Displeasure*, will sufficiently appear by the Report.

So far indeed was the Matter of that Charge from being taken for granted, or the Charge it self grounded upon any *Representation of the People of Jamaica*, as he falsely asserts, that at the very same Time that Information was given by Mr. Page, the whole Council of that Island, and almost the whole Body of Merchants residing there, if these may be allowed to be any part of the People, thought fit to express their Thanks to me ; \* the former for the Measures I had taken, to do Justice to the *Spaniards*, and † the latter for my Care and Encouragement of their Commerce.

And at the same Time likewise, the principal Planters and Merchants concerned in that Island, residing in *Britain*, did,

\* *Minutes of Council, June 9. 1716. annex'd.*

† *Address to His Majesty, from the Merchants and Inhabitants of Kingston.*

\   \   /

by their Humble Petition to His Majesty, among other Things set forth, “ That  
“ your Petitioners have reason to believe  
“ such Complaint was promoted by Per-  
“ sons who have, during his (my) Go-  
“ vernment, shewn an Opposition to your  
“ Majesty’s Authority, invested in your  
“ said Governour, under whose Admini-  
“ stration your Petitioners, and the In-  
“ habitants, have been very easy and  
“ secure”. Which I mention with Gra-  
titude to those Gentlemen. And I hope  
the Occasion makes any Apology need-  
less, for producing Passages so much to  
my own Advantage.

It’s therefore plain, that by *the People*,  
he means those Persons His Majesty has  
now thought fit to remove from his  
Council in that Island, and their Party,  
who having raised a Sum of Money by  
*an unprecedented and unwarrantable Method*,  
sent over Mr. *Page* in a Clandestine man-  
ner, to make this Complaint. Nor can it be  
deny’d, that having effected their Design  
of removing Me, they have drop’d their  
Prosecution, as well knowing there was  
no Foundation to support it. They had,  
from their own Zeal in the Cause, and  
not by any Direction in His Majesty’s  
Orders, made themselves not only my  
Judges, but Prosecutors ; and therefore it  
be-

became incumbent upon them to endeavour to bring the Matter to a Hearing, which neither themselves or their Agent have endeavoured, by any one regular Step, or even to vindicate their own Conduct; whilst he admits that I my self petitioned His Majesty to be heard upon their Complaint, of which I gave the most publick Notice: And I afterwards presented the following Memorial to His Majesty, to which he confesses he was no Stranger.

This Agent knows very well, this is not the only Complaint he and his Friends have drop'd; they had indeed, from Time to Time, presented several Representations to the Lords Commissioners of Trade, against my Administration, tho' of a very different Nature from the Matter in question. Upon which Occasion I must observe, in Justice to my self, and those Gentlemen who shared in my Disgrace, and who had acted with Me in those Measures, which are since understood to have been for His Majesty's Service, and the true Interest of that Colony, That after all the industrious Clamour of that Party of Men, by which they seem'd to have propos'd to weary out the Ministers, when we were entirely in their Power, and they had all the Opportunity and all

the Encouragement they could wish ; and no Body will think they wanted Inclination ; they were not able to find the least Matter of Injustice, Oppression, or Hardship, about which all the Noise was before made, to lay to any of Our Charge.

What he insinuates, as to Mr. *Bendish*, is explain'd upon the Report ; but if he will still pretend, that they are ready to go on and make good their Articles, I can only add, that I shall still be as ready to answer them ; and the more Publick he will assist me in procuring any further Examination to be, the more I assure him will I acknowledge my Obligation to him.

He knows it is no extraordinary thing for Persons to be Removed from Places of Trust without Hearing ; but when he reads the Report, I am confident he will find no Reason to complain, that the Conduct of his Friends has not been examined and considered. However, should any of them think this a Hardship, I must entreat them to remember, that they themselves thought it no Hardship to deprive me of my Liberty, not only without hearing, but at the same Time denying me a Copy of my Charge.

His Concern for what he calls the *Island's Misfortune* is somewhat pleasant :  
for

for my own part I still heartily wish its Prosperity, on account of the Consequence of it to *Britain*, as well as for the sake of many honest Gentlemen there, whose Affection and Loyalty has appeared by their Actions to be very sincere, and of which His Majesty has been pleased to express his Satisfaction, by those Marks of Favour and Trust he has now bestowed upon several of them; and who I am persuaded, will not therefore think the Removal of a Set of violent and partial Men, who had constantly opposed his Government, to be a Mark of His Majesty's Displeasure to the Island, but a very signal one of his Favour and Regard to its Welfare

His Justice and Fairness has shewn him worthy of his Employers. In order to give their Charge some Appearances, they found it necessary to suppress several Minutes of Council, particularly those of the 9th of *February*, and the 9th of *June* 1716. which would have clear'd the most material Points in question. And after they had been \* Repremanded for so unjust a Proceeding, (of which he could not

---

\* By a Letter from the Lords Commissioners of Trade, to Mr. Heywood.

be ignorant) he takes as little Notice of those Minutes, or any other Publick Papers, but calls that a laying the true State of an Affair before the World, which was the Accusation only.

Having, as I hope, given a satisfactory Answer to the malicious Insinuations contained in that Preface, and shew'd how the following Report came to be made, I shall leave the Reader to the perusal of it; and then proceed to give what further Satisfaction I conceive may be necessary, in Answer to the Articles themselves.





*The* MEMORIAL *of the* Lord  
ARCHIBALD HAMILTON,  
*late Governour of Jamaica, relating  
to his Conduct there, and the Mis-  
behaviour of several Members of the  
Council of that Island, and others,  
referred to the Board of Trade by  
Mr. Secretary Addison's Letter of  
the 26th of September, 1717.*



To the Right Honourable the Lords  
Commissioners for Trade and  
Plantations.

*My Lords,*

**H**AVING laid before His Majesty the  
inclos'd Memorial of the Lord  
*Archibald Hamilton*, late Gover-  
nour of *Jamaica*, setting forth His De-  
mand of Money advanc'd by him for the  
Subsistence of the Forces belonging to  
that Island, and complaining of the Dis-  
affection

affection and ill Practices of several Members of the Council of the said Island, as likewise of the Deputy Secretary thereof: I am commanded to transmit the same to your Lordships, together with the Copy of a Letter from the said Deputy Secretary to the said Lord *Archibald Hamilton*, and the Extract of another Letter from *Mr. Bernard* to his Lordship, that you may please to consider thereof, and Report to His Majesty what you think proper to be done thereupon. I am,

*My Lords,*

*Your Lordships*

*most Obedient, and*

*most Humble Servant,*

*Whitehall, Sept. 26.*  
1717.

J. ADDISON.



To

To the K I N G 's Most  
Excellent Majesty.

*The* MEMORIAL *of the Lord*  
ARCHIBALD HAMILTON, *late*  
*Governour of Your* MAJESTY'S  
*Island of Jamaica,*

*Humbly sheweth,*

1. **T**HAT during the whole Administration of the said Lord *Archibald Hamilton* there, he endeavoured to act in all respects agreeable to his Instructions, and according to the Duty of his Office, in Support of your Majesty's Royal Authority, then manifestly struck at by a Set of violent and ill designing Men.

2. That he had the Honour of your Majesty's Approbation of his Conduct from Time to Time; when upon the Representations he made, of the Misbehaviour of several of your Majesty's Council there, who had chiefly distinguished themselves in Opposition to your Service, your Majesty was pleased to shew Marks  
of

of your Displeasure, by removing them from your Council.

3. That your Majesty, by your Royal Letter of Privy-Seal, thought fit to require several Matters of the Assembly, indispensably necessary for the Safety and Welfare of that Island, and amongst other things, recommended to them the giving the necessary and usual Subsistence to your two Independent Companies there; the Discharging a Debt of 2700 *l.* 6 *s.* 3 *d.* Money advanced by the said Lord *Archibald*, and the then Council, on that Service; which Debt the said Assembly, in an undutiful manner, refusing to discharge, still remains due and unsatisfied.

4. That altho' by one of your Majesty's Instructions to the said Lord *Archibald Hamilton*, communicated by him to the Council and Assembly of *Jamaica*, they were expressly commanded (in case any ground of Complaint against their Governour should at any Time happen) to give such Governour a Copy of their Charge, to the End his Defence and Answer thereto might arrive here, and be both consider'd together; yet the aforesaid Party in the Assembly knowing, as there was no just Cause for any Accusation, so if they did charge the said Lord *Archibald Hamilton* with any Male-Administra-

nistration, in that equitable and publick manner prescrib'd by your Majesty's said Instructions, they could not hope for Success.

5. That in order therefore to compass their evil Designs, and remove the said Lord *Archibald Hamilton* from his Government, a large Sum of Money was unwarrantably subscribed and collected by the leading Members of the Assembly, and remitted to *Great Britain*, on pretence of soliciting here the Affairs of that Island; a Proceeding without Precedent, and contrary to your Majesty's Instructions, and those of your Royal Predecessors.

6. That at the Instigation of the said Parry, one *Bage*, Deputy Secretary of that Island, a Person unqualify'd, and of an ill Character, and whom the said Lord *Archibald Hamilton* had therefore refused to admit into that Office, till he received your Majesty's express Commands for so doing; deserted his Office, and left the Island, contrary to Law, without the Licence or Privy of your Majesty's then Governour.

7. That the said *Page* arriving in *Great Britain*, together with an obscure Person, one *Arlington*, defray'd out of the Subscription Money aforesaid; made Affidavits,

vits, chiefly rehearsing what they had heard said by Persons, Enemies to Lord *Archibald Hamilton*, touching the Robberies committed on the *Spaniards*: in Substance containing, that the said Lord *Archibald Hamilton* had encouraged Persons to Fish upon the *Spanish Wrecks* on the Coasts of *Florida*, and rob the *Spaniards* on the said Wrecks, and was concern'd therein himself. In which Affidavits the said Persons now appear to be wilfully and corruptly perjured.

8. That your Majesty was then pleased to recal the said Lord *Archibald Hamilton*, and appoint Mr. *Heywood* to succeed him in that Government; whom the said Lord *Archibald Hamilton* had some Months before, by the unanimous Advice of the Council, removed from your Majesty's Council, as likewise from being Chief Justice of that Island; the Resolution of that Board being, that it was inconsistent with your Majesty's Service, for the said Mr. *Heywood* to continue any longer in those Places of Trust, in that time of Danger and Difficulty.

9. That the new Councillors whom your Majesty was pleas'd to appoint with the said New Governour, were those whom your Majesty had before, at the Instance of the said Lord *Archibald Hamilton*,  
thought

thought fit to displace, and who had continued their Opposition to your Service, and others the most violent Men in the Assembly, who had subscribed most largely to the Sum collected and remitted, as aforesaid, who then became the Majority of your Majesty's Council there.

10. That your Majesty was pleased to Empower this New Governour and Council, to enquire into the said Lord *Archibald Hamilton's* Conduct; and give them a discretionary Power to seize his Person, to be sent over hither, with proper Evidence for convicting him, according to Law.

11. That far from complying with your Majesty's Instructions relating to this Affair, the said New Governour and Councillors, in the Enquiry made by them, acted in the most arbitrary, partial, and unjustifiable Manner, denying the Lord *Archibald Hamilton*, the common Right of the meanest *British* Subject, viz. A Copy of their Charge, or by any Means, to give him any Knowledge of what they had to alledge against him; thereby greatly abusing the Trust reposed in them by your Majesty. The Measures they took, having been with the only View, of aspersing the said Lord *Archibald Hamilton*, by screening the

B

Guilty

Guilty against your Majesty's just and Royal Intention, of making Restitution to the *Spaniards*.

12. That thus unheard, ignorant of his Charge, did the said Mr. *Heywood* and New Councillors, late Assembly-Men, seize the Person of the said Lord *Archibald Hamilton*, and at a Day's Warning, sent him a Prisoner to *Great Britain*; having granted a very extraordinary, if not illegal Warrant for his Commitment; and all this by a Majority of one only, and those New Councillors; the rest protesting against their Proceedings.

13. That the said Lord *Archibald Hamilton*, since his Arrival here, has continued many Months under Bail, to appear and answer his Charge; having, in the mean time, made frequent Applications to have the said Accusation brought to a Hearing.

14. That the said Governour and Councillors, conscious of the Injustice of their Proceedings, have entirely drop'd their Charge, and have chose rather to disobey your Majesty's Royal Commands, than appear any farther in the Matter, or so much as attempt to support their Charge.

By all which it manifestly appears, that the said Complaint was raised through

through the Malice of the said Persons, without any just Foundation, but merely with Design to procure the Recal of the Lord *Archibald Hamilton*.

Wherefore, as he has suffered so much, and been so ignominiously treated by the Persons aforesaid, for maintaining with Zeal, your Majesty's Royal Authority ; so having the fullest Confidence in your Majesty's known Justice and Goodness, in Consideration of his long and faithful Services, both by Sea and Land, he humbly conceives himself entituled to some Mark of your Majesty's Royal Favour ; and beseeches your Majesty, as well for restoring his injured Reputation, as for discouraging such evil Practices for the future, to remove the said Councillors, and Deputy Secretary, from those Trusts ; the first having not only, ever since your Majesty's happy Accession to the Crown, constantly opposed your Service, but also abused your Royal Authority, weakened your Government there, and disobeyed your Royal Orders ; and the other, notoriously malversed in his Office.



MINUTES of the Lords Commissioners for Trade, &c. upon Hearing the Lord Archibald Hamilton, on each Article of his said Memorial. Present

Lord Suffolk.

Mr. Chetwynd.

Sir Charles Cook.

Mr. Molefworth.

Mr. Pultney.

Mr. Bladen.

THE Lord Archibald Hamilton, late Governour of Jamaica, attending as appointed, he produced to their Lordships several Papers, in Proof of the Allegations of his Memorial to the King, referred to this Board, and mentioned in the Minutes of the 27th of the last Month; his Lordship proceeded to his Proofs in Order, as the respective Paragraphs stand Numbered in his Memorial; and begun by observing, that the

the Differences he had with the Assembly of *Jamaica*, were chiefly upon three Points, which his Instructions, and the Board of Trade, had recommended to him, *viz.* the pretended Power in the Assembly, of Adjourning themselves for what Time they thought fit, without Leave from the Governour; their denying the Council any Right of amending Money Bills; and refusing to make Provision for Subsisting His Majesty's Forces there, which had been recommended by His Majesty.

1. To prove, that during the whole Administration of the said Lord *Archibald Hamilton* there, he endeavoured to act, in all respects, agreeable to his Instructions, and according to the Duty of his Office, in Support of His Majesty's Royal Authority, then manifestly struck at by a Set of violent and ill designing Men; his Lordship referred to Mr. Secretary (now Lord) *Stanhope's* Letter of the 25th of *February*, 1714-15. which approves the several Steps taken by the said Lord *Archibald Hamilton*, in Execution of the Orders sent him, upon the Death of Her late Majesty: And to His Majesty's Letter of the 13th of *May*, 1715. relating to the discharging of Publick Debts, and

the Subſiſtance of the two Independent Companies there; wherein His Maſteſty was pleaſed to expreſs His Royal Pleaſure in theſe Terms, *viz.* 'We expect you 'will continue your beſt Endeavours for the 'Advancement of theſe good Ends, which 'we hope will reſtore that our Iſland to a 'flouriſhing Condition.' His Lordſhip farther appealed to the Letter which this Board wrote to Mr. Secretary *Stanhope* the 17th of *February*, 1715-16. wherein it is repreſented, That by what appeared by the Books in this Office, the Lord *Archibald Hamilton* ſeemed exactly to have followed his Inſtructions. And as to His Maſteſty's Authority being ſtruck at by violent and deſigning Men, his Lordſhip doubted not, but the ſame would fully appear in his Progreſs through the following Articles.

2. To prove the ſecond Article of the Memorial, where his Lordſhip ſays, he had His Maſteſty's Approbation of his Conduct, by the Removal of ſuch Members of the Council, whoſe Miſbehaviour and Oppoſition to the King's Service, his Lordſhip had repreſented, he referred to the Report of the 25th of *April*, 1715. made by this Board; whereupon Mr. *Chaplin* and Mr. *Blair*, who had encouraged the Proceedings of the Aſſembly,

rela-

relating to their having the sole Right of framing Money-Bills, and to a Power of Adjourning themselves at Pleasure, &c. were removed from His Majesty's Council in *Jamaica*. His Lordship added, that he should give farther Instances of Mr. *Chaplin* and *Blair's* Behaviour, in explaining the subsequent Articles.

3. To support what is asserted in the third Article, That the Assembly had, notwithstanding His Majesty's Recommendation, refused to make any Provision for the Subsistence of the two Independent Companies; the Lord *Archibald Hamilton* referred to the Minutes of the Assembly of the 9th of *November*, 1715. and that part thereof was read; where the aforesaid Mr. *Chaplin* reported from a Committee of the said Assembly, that the Accounts of Money disbursed for the Subsistence of Colonel *Handasyd's* Regiment, and the two Independent Companies, were of an unprecedented Nature, being disbursed without a Law, or the publick Faith given for reimbursing the same; and that the Committee could not take upon them to determine, whether the same ought to be paid or not: whereupon the Assembly voted the said Money to be no publick Debt, within the Construction of His Majesty's Letter of the 13th of *May*,

1715. tho' it appears by a subsequent Letter of His Majesty, bearing Date the 10th of *April*, 1716. relating to the Payment of that Money, that His Majesty did look upon it as a publick Debt, and recommended the same to be provided for as such, by his former Letter of the 13th of *May*, 1715. The Lord *Archibald* took Notice as a farther Proof of its being a publick Debt, that Money advanced by the present Governour for the same Services, was not only acknowledged as a publick Debt, but has since been reimbursed by the Assembly, with an Allowance of 12 *per Cent.* Interest.

4. Upon the fourth Article his Lordship said, that contrary to his Instructions, communicated to the Council, Complaints had been sent against him to *England*, which had never been communicated to him in *Jamaica*, as would fully appear by Proofs relating to the subsequent Articles, and more particularly to the 11th.

5. To the fifth Article, alledging, that to compass their ill Designs against his Lordship, a large Sum of Money was unwarrantably subscribed and collected by the leading Men of the Assembly, and remitted to *Great Britain*, on Pretence of soliciting the Affairs of that Island;

Island ; his Lordship referred to the Minutes of the Assembly of the 20th and 21st of *December*, 1715. and those Parts which relate to the said Subscription were read, as likewise the Draught of the Subscription drawn up by Captain *Bennet*, who on his Lordship's Removal, was constituted of the Council under Mr. *Heywood*. His Lordship observed, that the Assembly had, during his Government, prepared and sent to the Council, a Bill to raise Money for soliciting the publick Affairs of the Island in this Kingdom ; by which the Assembly had excluded the Governour and Council from the very Knowledge of what was intended to be transacted ; the Council made several Amendments to the Bill, which the Assembly refusing to admit of, on pretence that the Council had no Right to make any Alteration to a Money Bill : upon which the Bill was drop'd, and a Subscription was set on foot ; and his Lordship said, he had been well informed, that about 1100 £ were raised in the Assembly, besides what was collected in the several Parishes, contrary to His Majesty's Instructions. His Lordship added, that this Method of raising Money, was at first proposed to the Assembly in the Nature of an Ordinance, and read there  
twice

twice as such ; and as his Lordship had reason to believe, was afterwards drop'd and put out of the Form of Ordinance, only upon some Observations which his Lordship made, as to the Irregularity of it. His Lordship observed, that tho' the chief Pretence for raising of this Money, was to solicit the Dispatch of several Acts, he did not know, and he appealed to the Board, if any Application had been made since that Time, for the confirming any Acts of that Island. From whence he did infer, that the forementioned Bill, for soliciting the publick Affairs of the Island, as well as the Subscription, were designed for private Ends, and not for the publick Service of that Island.

6. To the sixth Article alledging, that at the Instigation of a Party, one *Page*, Deputy Secretary of *Jamaica*, a Person unqualify'd, of an ill Character, and whom his Lordship had therefore refused to admit into that Office, till he received express Commands for so doing ; deserted his Office, and left the Island, contrary to Law, without the Governour's Licence or Privity: His Lordship produced, and read a Letter under Mr. *Page's* own Hand, dated on Board the *Diamond* Man of War, the 6th of *March*, 1715. whereof a Copy was annexed

ed to his Memorial, desiring his Lordship's favourable Opinion and Excuse, for departing the Island without his Lordship's Leave. My Lord likewise produced a Letter from Mr. *Bernard*, Chief Justice, and one of the present Council of *Jamaica*; wherein he says, 'That turning over the  
' Patent Book one Day, in the Secretary's  
' Office, he was astonished to see an Entry  
' of a Ticket from Lord *Archibald Ham-*  
' *milton* to *Samuel Page*, to go off the I-  
' land. Whereupon my Lord observed,  
that Mr. *Page* must either have forged his Lordship's Name to a Ticket, or contrary to the Trust reposed in him, and unknown to his Lordship, have filled up with his own Name, one of the Blank Tickets, which Multiplicity of Business obliged his Lordship to leave in his Hands, ready signed. That Mr. *Page* had, with the Letter he wrote to his Lordship, after his leaving the Island, sent a Certificate of his Indisposition, as an Excuse for his leaving the Island; but that his Lordship could not look upon that as a just Reason for his going off so abruptly and without Leave. His Lordship farther referred to the Minutes of the Council of *Jamaica*, of the 9th of *March*, 1715-16, upon this Subject, which was read. In relation to Mr. *Page*'s not being qualified, his Lordship alledged, that

that some of the Members of the Council were always obliged to take the Minutes of what passed at that Board, where the said *Page* acted as Clerk. And as to his ill Character, his Lordship thought the same would more manifestly appear by the Proof of the following Article of his Lordship's Memorial.

7. The seventh Article alledging, that the said *Page*, with one *Arlington* in *Great Britain*, defrayed out of the Subscription Money aforesaid, made Affidavits, chiefly rehearsing what they had heard the Lord *Archibald Hamilton's* Enemies say, concerning the Robberies committed on the *Spaniards*; in which Affidavits the said Persons now appear to be wilfully and corruptly perjured. To prove the same, his Lordship first observed, that Mr. *Page* in his Affidavit of the 15th of *May*, 1716, has made Oath, That the Deponent heard from *Leonard Barton*, a Person of a fair Character, who was dispatched to the Leeward part of *Jamaica*, where this Deponent was on the 9th Day of *March*, that the said *Spanish* Sloop, with her whole Cargo, was condemned in the said *Barton's* Presence, the 7th Day of *March* last, &c. To contradict which Affidavit, his Lordship produced an original Affidavit of the said *Leonard Barton*, taken before

fore Mr. *Bernard*, Chief Justice of *Jamaica*, the 17th of *August*, 1716. which was read, wherein the said *Barton* deposeth in the Words following, *viz.* And this Deponent farther saith, That he neither knoweth Dr. *Samuel Page*, nor ever had any Communication or Discourse with him, touching or concerning the *Spanish* Sloop, formerly called the *Kensington*, taken by Captain *Francis Farnando*, &c. Which Affidavit of Mr. *Barton*, his Lordship took Notice, must have been true, and consequently *Page's* false; because the Condemnation of the *Spanish* Sloop was not till the 16th Day of *March*, as appears by a Copy of the Sentence under the Seal of the Island, produced by his Lordship; whereas the said *Page* had been several Days at Sea before that Time, and yet he pretends to have been informed of this Condemnation by the said *Barton* so long before it happen'd, as the 7th of that Month. His Lordship farther observed, that the said *Page* had deposed in the Words following, *viz.* To which said Memorial the said *Don Juan* could receive no other Answer from the Governour, than that the *Florida* Shore was part of the King of *England's* Dominions; and that as the *Spaniards* had seized on some *English* Vessels since the Peace, the said Governour believed the

the said *Spaniards* were indebted to the *English* more than those *Spanish* Effects would answer. To disprove which Assertion, his Lordship produced and read a Minute of Council of the said Island, dated the 9th of *February* 1715. and signed by Mr. *Page* himself; by which it appears, that several Answers were given to *Don Juan del Valle* upon his Memorial, by his Lordship and the Council of *Jamaica*; who offered it to the Consideration of the said *Don Juan del Valle*, whether the prosecuting the Officers and Mariners of the two Vessels complained of, and the issuing such a Proclamation as desired, might not deter others, then out, from returning to *Jamaica*, and be a Means of putting them upon such desperate Attempts, as might be of more pernicious Consequence to the Crown of *Spain*, &c. Whereupon the said *Don Juan del Valle* declined insisting on any criminal Prosecution, lest such Consequences happening, as might justly be feared, the Blame thereof might be imputed to him. And that the said *Page* had been corruptly perjured, his Lordship inferred from his having receiv'd part of the foremention'd Subscription Money, as his Lordship was credibly inform'd; as also, that upon his Return to *Jamaica*, he had complained of not having receiv'd enough.

enough. The Lord *Hamilton* farther took Notice upon this Article, of a Petition from several Merchants of *Jamaica*, mention'd in the Minutes of the Council of that Island, of the 25th of *June*, 1714, which was now read, praying, that upon the Departure of the Men of War, his Lordship would take proper Methods for the Protection of the Trade of the Island, then in Danger, from Pirates: Whereupon his Lordship said, he granted several Commissions to Commanders of Vessels, to go in quest of the said Pirates; giving them proper Instructions, and taking Security for the due Observance thereof: Which Commissions and Instructions, as his Lordship affirm'd, were the same that had been formerly given by his Predecessors on like Occasions, Copies of which he promis'd to transmit to the Board. That upon Complaints against some of the Commanders of the Vessels, he issued a Proclamation for recalling them. His Lordship likewise observed, that Mr. *Blair* and Mr. *Chaplin*, two Persons concerned in the Complaint against him, were Security for some of the Commanders of these Vessels.

8. Upon the eighth Article, relating to his Lordship's removing Mr. *Heywood* (now Commander in Chief of *Jamaica*)  
from

from the Place of Chief Justice, and from the Council there; his Lordship referred to the Minute of Council of the 14th of *February*, 1715-16. whereby it appeared, that his Lordship, conformable to his Instructions, had not only the Majority, but the unanimous Advice of the Council in that Proceeding.

9. As to the ninth Article, alledging, that some of the new Councillors whom the King was pleased to appoint with Mr. *Heywood* the New Governour, were some of them the same Persons whom His Majesty had before thought fit to displace, and who had continued their Opposition to his Service; and that others of the New Councillors had been the most violent Men in the Assembly, in opposing the several Matters recommended by his Majesty's Letters, and had most largely subscribed to the Sum remitted, as aforesaid; His Lordship named Mr. *Blair* and Mr. *Chaplin* as the former; and Mr. *Risby*, Mr. *Thomas Beckford*, and Mr. *Bennet* as the latter.

As to the 10th, 11th, and 12th Articles, relating to the Instruction sent Mr. *Heywood* and his Council, for seizing the Lord *Hamilton's* Person, and sending him Prisoner to *England*, with proper Proofs, in case they should find him concerned in  
the

the Piracy laid to his Charge, and to the unjustifiable manner in which they put this Instruction in execution against the said Lord *Hamilton*, and screening Offenders ; He averred, that having sent to desire a Copy of the whole Charge against him, and repeated that Message, he could obtain no Answer, as Mr. *Cockburne*, his Lordship's Secretary, whom he sent for such Copy, was now ready to testify upon Oath. That even Mr. *Broderick* and Mr. *Bernard*, two of the Members of that Council, were denied Copies of what passed at that Board ; to prevent his Lordship's knowing the full Substance of his Accusation, whereby his Lordship had not the Opportunity of cross-examining Witnesses, as aforesaid. That the Majority of the said Council acted very partially, in adjourning to the House of one of the Members of that Board, of their Party, who was indisposed ; and refusing to adjourn to another Member's House on the like Occasion ; whereas if they had done it in this last Case, the Votes for his Lordship's Commitment had been equally divided.

His Lordship being asked what Steps were taken by Colonel *Heywood*, and the Government of *Jamaica*, to answer the Intent of His Majesty's forementioned In-

structions, his Lordship said he was un-  
 acquainted therewith : That he was not  
 taken into Custody till a few Days before  
 he was sent away ; and that no Cause of  
 Commitment was specified in the War-  
 rant for that purpose, which was signed  
 only by an Under-Clerk of the Council.  
 His Lordship acknowledged he was in-  
 terested in the Sloop *Bennet* ; but being  
 sensible that the Commander thereof had  
 exceeded his Commission, and broken his  
 Instructions, by the Seizure he had made  
 of *Spanish* Goods, his Lordship was far  
 from intending to reap any Advantage  
 from so unlawful a Proceeding. And he  
 appealed to the Minutes of the Council  
 of *Jamaica*, of the 9th of *June*, 1716.  
 for a Proof of his Integrity upon this Oc-  
 casion. His Lordship likewise farther af-  
 firmed, that above a Month before that  
 Council was held, and before *Don Juan de*  
*Valle* had made any Complaint against  
 the Ship his Lordship was concerned in,  
 he had communicated his Intention upon  
 this Subject to Mr. *Bernard* and Mr. *Bro-*  
*derick*, two of the Council, who were of  
 Opinion, that his Lordship would do well  
 to temporize with *Bendish*, and receive  
 his own Share of the Profit arising from  
 the foresaid Capture from the *Spaniards*,  
 in order to fix the Proportion of the se-  
 veral

veral Owners, and thereby to discover and secure as many of the Effects as possible, for the Use of the Persons from whom the same had been illegally taken. And accordingly his Lordship did receive his Share of the Capture, and deposited the same in the Hands of the Provost Marshal, subject to His Majesty's Orders, where the same now lies.

Upon this Occasion his Lordship farther observed, that he had the rather chose to conduct himself in this Transaction by the Advice of the aforesaid Mr. *Bernard* and Mr. *Broderick*, because they were both of them Persons learned in the Law ; the first being Chief Justice, and the latter at that time His Majesty's Attorney General of *Jamaica* ; and as they were perfectly informed with what Intention it was that his Lordship did receive his Share of the said Prize. When Mr. *Heywood* and his Council were afterwards deliberating whether they should be justify'd by His Majesty's Instructions, in securing the said Lord *Hamilton's* Person ; the said Mr. *Bernard* and Mr. *Broderick* did make Oath of the Truth of the forementioned Fact, which they declared, in their Opinion, to be a sufficient Proof that the said Lord *Hamilton* was not concerned in the Piracy ; and for that Reason they and two

C 2

other

other Members of the Council refused to consent to the Question for his Lordship's Commitment; which was carry'd only by one Voice, as may appear by the Minutes of Council of the 13th of *September*, 1716.

As a farther Proof of his Lordship's Intention to do Justice to the *Spaniards*, he referred to the Minutes of the Council of the 21st of *June*, 1716. by which it appeared, how desirous he was that the Appeal offered by the *Spanish* Agents, from the Sentence of the Court of Admiralty, tho' not proper in Point of Form, should have its Effect.

13. As to the thirteenth Article, his Lordship alledged, that Mr. *Heywood* having, contrary to his Majesty's Instructions, sent no Evidence to support the Charge against him, he had, since his Arrival here, continued many Months under Bail; and not only petitioned for a Hearing, but given publick Advertisements at the *Exchange* in *London*, that he was ready to answer whatever any Persons might have to object to him; but that no Body had appeared; and Mr. *Bendish*, who was sent over in order to be the chief Evidence against his Lordship, had declared to some of the Ministers, as his Lordship had been informed, that

that he had nothing to say against him. And his Lordship observed, that this Mr. *Bendish* was one of the Persons concerned in the Ship that had committed Piracy, and the very same that had brought him his Share of the Capture, and who by his Lordship's Order in Council, had given Security to return such Part of the *Spanish* Effects as had come to his Hands; notwithstanding which, the said *Bendish* had obtained from Mr. *Heywood* a *Noli Prosequi*, contrary to the Intention of His Majesty's Instructions, for discovering and punishing all Persons concerned in the Piracies complained of.

14. Upon the fourteenth Article, importing, that the present Mr. *Heywood* and Councillors of *Jamaica* had drop'd their Charge on this Subject; his Lordship observed, that this Board was well acquainted what Endeavours were used to oblige Mr. *Page* and *Arlington* to appear to what they had alledged against his Lordship; so that upon the whole, his Lordship hoped his Innocence might now plainly appear, and that those of the Council, who had so notoriously misbehaved themselves, might not be continued of the Council, nor Mr. *Page* in the Post of Deputy Secretary.



Right Honourable

Mr. Secretary *ADDISON*.

S I R,

**I**N Obedience to His Majesty's Commands, signify'd to us by your Letter of the 26th past, We have taken the Memorial of the Lord *Archibald Hamilton*, late Governour of *Jamaica*, into our Consideration; and his Lordship has laid before Us several Proofs to make out the Truth of the Allegations therein contained.

His Lordship's Method of proceeding herein, was to apply his Evidence to the several Articles in Order, as they now stand numbered in his Memorial: and as his Proofs were pretty voluminous, We have rather chosen to transmit to You a Copy of our Minutes, together with the several Papers and Extracts therein referred to, annexed to his Memorial, than to incorporate them in the Body of this Letter; that His Majesty may be the better able to judge, whether they do not sufficiently prove the several Facts asserted in his Lordship's Memorial.

You

You will be pleased to observe, that most of these Proofs consist of written Evidence, as Instructions and Letters from His Majesty, Letters from the Secretary of State and this Board, and Minutes of the Council in *Jamaica*; and are consequently of such a Nature, as could not admit of Contradiction, if the Persons complained of by his Lordship had been present to make their own Defence, which in this Case was impracticable, because there are none of them in the Kingdom. But indeed considering the Nature and Circumstances of my Lord *Archibald Hamilton's* Case, the Presumptions, as well as the Proofs, are very strong in his Favour; since the Prosecution against him was entirely drop'd, upon his Lordship's being dismissed from His Majesty's Service, tho' he did often solicit to be heard before His Majesty in Council.

The Orders given by His Majesty for securing Lord *Hamilton's* Person, seem to have been chiefly grounded upon the Affidavits of *Walter Arlington* and *Samuel Page*, present Deputy Secretary to the Island of *Jamaica*, whose Character at that Time was not so well known as it has been since. And You will perceive by the Papers annexed, how little regard the said *Page* has had to Truth, and how

far his Zeal in that Cause transported him beyond the Rules of common Justice.

You will likewise be pleased to take Notice, how ill an Use Mr. *Heywood* and the Council have made, of His Majesty's Instructions, for securing the Lord *Archibald's* Person; wherein, in our Opinion, they were no wise justifiable by those Instructions, because they were not directed by His Majesty's Orders to send the Lord *Archibald* Prisoner to *England*, unless upon Examination it should appear to them, that he was concerned in the Piracy complained of by the *Spaniards*; the contrary whereof seems to Us to be true.

It cannot but be a great Misfortune to any Gentleman, to be dismissed the Service of so excellent a Prince as His Majesty; but to be removed in a manner so reflecting upon his Character, must add to the Mortification; and we are sorry to find the Publick has been so little advantaged by the Change.

We shall not take upon Us to determine, how far it might be proper for His Majesty to comply with the Prayer of my Lord *Archibald's* Memorial; tho' if it should appear to His Majesty, that Mr. *Heywood*, and the other Persons complained of by his Lordship, have been  
guilty

guilty of the Facts by him laid to their Charge, We cannot but think it would be for his Majesty's Service in the Island, and contribute very much to the better supporting His Majesty's Government there for the future, that His Majesty should show such Marks of his Displeasure against them, as to His Royal Wisdom may seem most proper.

But as to Mr. *Page*, We think it highly necessary for His Majesty's Service, that a Person of his Character should be removed from the Place of Under-Secretary to the Island of *Jamaica*, and from all Offices of Trust whatsoever, under His Majesty; since it will be impossible for any Governour to discharge his Duty in so effectual a manner, as might otherwise be expected from him, whilst he shall find himself in the Power of a Secretary, in whom he cannot repose the least Confidence. We are, SIR,

*Your most Obedient, and*

*most Humble Servants,*

*Whitehall, Oct. 24.*

1717.

J. Cherwynd.  
J. Moleſworth,  
D. Pulteney.  
Martin Bladen.

T H E



THE  
ARTICLES  
Farther Considered.



AFTER so black an Accusation in a National Affair, and upon which it was my Misfortune, before I could have an Opportunity of justifying Myself, to feel the heaviest Marks of His Majesty's Displeasure; it must be thought a strong Presumption of my Innocence, that His Majesty has been graciously pleased, not only to admit Me into His Royal Presence, but to shew singular Marks of his Discountenance upon those Persons, who had incited and stirred up that Accusation against Me. And I should indeed have contented Myself with this Justification, and the Consciousness of My own Integrity, had I not been called upon in so publick

publick a manner, to Vindicate My Reputation to the World, and which as much as may be farther wanting, I shall now endeavour to do, by considering such Part of the Articles as the Report was not concerned in, and explaining such Part of My Conduct as was not properly before the Lords Commissioners, to justify or condemn.

And, First, because it is still insinuated to the World, as if the Commissions I granted were designed to favour Piracies, I have thought it necessary to annex the \* Commissions themselves, with the Instructions I gave, and the Security I took; and must crave the Reader's Patience, whilst on this and other Heads, I enlarge a little upon what the Report mentions, rather than be more tedious in publishing at length the several Representations of the Merchants, and more of the many other Original Papers, to which that Report refers, than I conceive to be absolutely necessary.

It is too notorious, that from the very Time of the Treaty of Suspension of Arms between *Great-Britain* and *Spain*, there were continual Hostilities commit-

---

\* *Vid.* Appendix, N<sup>o</sup>. I, II, III.

red on the Part of the Subjects of *Spain* both by Landing on the Island of *Jamaica*, and unwarrantably seizing and taking our \* Vessels. Sloops and Barks were fitted out from many of their Ports, particularly from the *Southern* Coast of *Cuba*; several of which pretended to have Commissions to seize all Vessels within such Latitudes, as took in *Jamaica*, and all its Trade: A Piece of Eight, or *Spanish* Pistol, which is the current Coin of all our own Colonies, found on Board any *English* Vessel, was called Counterband Goods, and a sufficient Cause of Seizure: and where Resistance was made, some barbarous Murders were committed. The Seas were become more dangerous than in Time of War; several Applications were made to the *Spanish* Governours, without Effect; and our Merchants were bid to go to *Madrid* for Redress. In short, all our Traders in general declared, it was no longer practicable for them to continue their Commerce of any kind, unless they might have Commissi-

---

\* *A List of the whole amounting to about 40 (whereof upwards of 30 were taken before any of the Commissions were granted) has been sent over since my Removal, and laid before His Majesty by the Merchants, with their several Proofs.*

ons granted them, to defend themselves against Pirates.

Nor were these Declarations in Words only; besides the Petition of the Merchants of the 25th of *June*, 1714. mention'd in the Report; the Assembly of *Jamaica*, upon the 28th of *December*, 1715. voted as follows; " That since the Peace,  
 " We had Reason to believe Our Trade  
 " more Secure, but find the contrary;  
 " many of our Vessels having been taken under Pretence of Commissions  
 " from the *Alcaldez* of *Trinidado*, under  
 " the Government of the *Havana*.

And by this Time the Merchants in *Great Britain* were become so sensible of this, and so much alarm'd from the Accounts of their Correspondents, that in or about the Month of *January*, 1715-6. they presented a Representation to His Majesty, setting forth, " That the  
 " *British* Navigation in the *American* Seas,  
 " since the last Peace, hath been in an  
 " unusual manner greatly interrupted by  
 " Vessels chiefly mann'd by *French*, (as  
 " they were inform'd) under *Spanish* Commissions, who had taken diverse Ships  
 " belonging to His Majesty's Subjects,  
 " and made Prize of them under the  
 " most frivolous Pretences, as appeared  
 " by a Paper annex'd: and if some stop  
 " was

“ was not soon put to this growing Evil,  
 “ the *British* Navigation in *America* would  
 “ in a short Time, be ruined ; and pray  
 “ such Relief therein, as His Majesty  
 “ shall think fit.” This Representation  
 was deliver’d to the Secretary of State  
 by an eminent Merchant, who was in-  
 duced soon after (by what kind of Argu-  
 ments I will not say) to countenance,  
 in a very extraordinary manner, the Com-  
 plaint against Me The Consistency of  
 which Proceeding, I must leave him to  
 explain, and to shew how the Commissi-  
 ons I granted, came to appear to him  
 more likely to encourage than to *put a*  
*Stop to the growing Evil*, he himself had  
 complained of.

And by another Memorial in the Month  
 of 1716. the Merchants again  
 set forth, “ The Apprehensions they  
 “ were under, from piratical Practices in  
 “ those Parts, and the want of Ships  
 “ of War there ; and humbly pray, such  
 “ a Naval Strength may be order’d for  
 “ the Protection of the Island, as should  
 “ be thought necessary to secure it from  
 “ the Dangers it lay expos’d to.” And  
 there were still others of the like Nature,  
 from Time to Time, which for brevity  
 sake, I omit.

I do not say, that any of the *Spanish* Governours justified those Proceedings. On the contrary, it was credibly reported, Two of their own Vessels, who had done the most Mischief, were at length proclaimed Pirates by the *Spaniards* themselves, both upon *Cuba* and *Hispaniola*.

Nor will I deny, but there were likewise some few unjustifiable Acts, and one notorious Robbery committed on the Marquis of *Navares*, by our People, before those Commissions were granted. But I appeal to my Correspondence with the Ministers, during the whole Course of my Government, if I did not give them the most particular Accounts of all those Transactions; and sollicite Reparation to be made to the *Spaniards*, equally as to the King's Subjects. And I have not only had the Honour of their Letters, which acknowledge it; but even from the *French* and *Spaniards* themselves, the most authentick Proofs of my having endeavoured to do them Justice; and in some Cases, of my having effectually done it.

At the Time I was pressed most for these Commissions, We had only one Man of War, and one Sloop left on the *Jamaica* Station, both foul, and in that respect unfit to go after those light nimble

nimble Vessels which infested Us ; and even such as they were, the Commanders had given me Notice, that they had received Orders to return to *Britain*, as soon as their Provisions were reduced, which was very near. Nor had I any Notice that they were to be relieved by any other Ships, as in Fact it afterwards happen'd they were not ; but the Island was left for several Months without any Man of War for its guard.

These were our Circumstances when that unnatural Rebellion broke out, which it was reasonable to suppose, employed the whole Thoughts and Attention of the Ministers. And We could have little Expectation of Ships sufficient to protect Us, or a due Notice taken of our Affairs, till that was quelled, on which our All depended.

I thought it my Duty in the mean Time, to provide the best I could for the Safety of Trade and Commerce in those Parts ; Precedents were brought Me of the like Commissions having been granted by Sir *William Beeston*, and others, My Predecessors. The Application was general, and made even by some of the very Persons, who have since been my Judges and Prosecutors. I took Advice of the most able in the Law, and the most proper

per to be advised by of the Legality of them. And I knew in Nature, no other Expedient to help, or satisfy the Uneasiness of all People universally under My Government ; nor could I possibly foresee any Inconveniencies that could naturally arise from them.

I own, there was a Report of the *Spanish* Flota being lost, before the Commissions were made out, but not before some of them were ordered. And all We knew of the Flota at that Time, was very uncertain ; it was generally said they were sunk, some on the *Florida* Coast, and others on the *Babamah* Shoals, and that the Men were all drown'd. And quickly after, We had Intelligence from several Parts of the *Indies*, that Vessels were fitting out to go in search of the Wrecks ; and several went from *Jamaica*, who had no Commissions ; which was not in my Power to hinder, but by a general Embargo.

The Question therefore with me, with Respect to the Commissions, was, Whether this Co-incidency of the *Spanish* Wrecks ought reasonably to stop my Intention in granting them. Every one knows, Commissions from the Crown have been formerly granted expressly for that purpose : And later Instances have shewn,

D

that

that *these* were looked upon of the same Nature with *other Wrecks*. But I confess, it did not in the least enter into my Thoughts then, that the permitting, or even encouraging the going in quest of Wrecks in all Circumstances, must imply an Intention to encourage Robberies and Piracies ; much less did I conceive it possible to make these Commissions and Instructions (for the Performance of which I took good Security, in the Penalty of 1500 *l.* from each Commander, and which are as express as Words can make them to hinder and restrain those Commanders from any Acts of Hostility whatever against any of His Majesty's Allies) an Argument and Encouragement for committing those Hostilities.

I have been the fuller upon these Commissions, in order to shew that there was a real Occasion for them, and that the Design of them had no relation to the *Spanish Wrecks*. But I insist upon it, that even upon that supposition, it was more adviseable to grant them than not : And if the Securities given were not strong enough to hold some Men from committing Robberies, it is ridiculous to imagine they would have been more restrained by having given none.

I come now to the Articles themselves, in the Consideration of which I will only desire so much Candour from every Gentleman who shall give himself the Trouble to peruse them, as to have regard to the apparent View and Intention in every Action of Mine ; that as it has been insinuated the *Spanish* Money was my Temptation, and that without some Interest of My own, I could not be supposed to encourage Hostilities for the Crime sake ; if it shall appear, that in every Instance wherein I had any Concern, I was above those Temptations, and did what I could to have Restitution and Satisfaction made, I hope in Cases wherein I had no Interest, and I think Bribery is not any where pretended, I shall not readily be thought to have confederated with my very Enemies, to commit Piracies. Of this kind is the Substance of the first Article, which did not fall under the Consideration of the Lords Commissioners for Trade and Plantations. It charges in general, " My having  
 " counsel'd and advised, not only the  
 " going to the Wrecks, but if stronger  
 " than the *Spaniards*, the beating them  
 " off, and taking their Money from them.  
 Which is attempted to be proved by one Instance only, and that by the Affidavit

of the guilty Party himself; the Merit of which was, to prevent a Prosecution against him and his Securities. For this very *Jonathan Barnet*, who commanded the *Snow-Tyger*, upon whose Affidavit this Article is entirely framed, was the first who committed Hostilities upon the *Cuba* Shore, in Breach of his Instructions; and occasioned the first Complaint, which I received by *Don Juan Del Vallee*, from the Governour of the *Havana*.

And here the Reader may take Notice of another Instance of Mr. *Page's* regard to Truth; he was Clerk of the Council when *Don Juan's* first Memorial, and the Governour of the *Havana's* Letter, complaining of this *Snow*, was read; and yet when he run away for *Great Britain*, and carried the List of the commission'd Vessels with him, this and one other Vessel belonging to his particular Friends, were the only he certified to have been innoxious in the Account he gave the Ministers. But to return.

If my denial of these Words, alledg'd to have been spoken by me, and my opposite Conduct in every other Instance, shall not be thought sufficient to clear me of this Imputation, I will only observe a few Things, and leave it to the World to believe Mr. *Barnet* or Me.

In

In the first place, it is not so much as pretended I had any Concern or Interest in *Barnet's* Vessel ; he was a Creature of the Faction that opposed Me, and employ'd by them.

In the same Affidavit he himself swears, that I told him, " I could give him no " Commission that would do him any " Service on the Wrecks, or any other " than to defend him against Pirates. And it is to be presumed, he read and consider'd his Instructions, which put him under the Penalty of 1500 *l.* if he did, what he says, I advised him to do.

Besides, *Galdy's* and *Barnet's* Depositions, which should relate one and the same Discourse, are very inconsistent in many, and do not agree in one Particular of Moment.

But so intent was *Barnet* to purchase his own Peace at any Rate, that it appears plainly, he little considered what he swore : He swears, he came to my Secretary for the Commission in *December*. Now it happens unluckily, that the Commission was sealed, and he gave Security the 24th of *November*, and he went to Sea before *December*. If his Memory could fail him in one particular, his Fears or his Interest might occasion the like concerning an Expression in Discourse,

and which Mr. *Galdy*, his Owner and Security, being present, did not hear.

The second Article of the Charge, relates to the Sloops *Eagle* and *Barsheba*, and to *Don Juan's* two Memorials. Let any Person but read the \* Minutes of Council of the 9th of *February*, mention'd in the Report, and hereunto annexed, and he will be satisfied it was not possible, without the greatest Partiality and wilful Blindness, to frame this Article. But notwithstanding this Minute was before them, and Mr. *Heywood* himself had been present, and concurring in what was then done, they were resolved not to contradict their Evidence *Page*; but to assert more roundly, that the said Deputy had had no Answer to his first Memorial; and then refer to *Don Juan's* second Memorial, for proof of this Assertion, which flatly contradicts it, and acknowledges he had receiv'd an Answer.

It may be said notwithstanding, that that Answer appears by the second Memorial not to have been satisfactory; the Complaints being there renewed with greater Aggravations than before. To the setting which Matter in a true Light,

---

\* *Vid.* Appendix, No. IV.

it must be observed, that the Circumstances of Things were not so visibly chang'd, as that *Don Juan* had alter'd his own Opinion and his own Measures. For whereas we had before concerted together in the friendliest manner, how best to secure the Money, which was his Concern to look after, and which I gave him repeated Assurances that I intended to effect ; he began now to listen to the Insinuations of those who opposed His Majesty's Government, and was by degrees effectually wrought upon by them, and as I have reason to believe, by one Gentleman in particular, (whose Acquaintance with the *Spanish* Language and Nation, gave him the greatest Opportunity) not only to throw off that necessary Confidence, which was begun on my Side with the greatest Mark of Respect I was capable of shewing him ; by admitting him to be present in Council, to assist in consulting the most proper Measures for his own Satisfaction, and which ought to have been continued between Us ; but to act now rather as a Party-Man among Us, than a Person who thought himself vested with any Publick Character.

The Style of his second Memorial, and some very unbecoming Expressions in it, altogether false in Fact, as well as his

affociating himself entirely with one Set of Men, and giving his own Certificate, which I have now by me, to permit the *Snow-Tyger*, belonging to Mr. *Galdy*, and others of that Party, (which was the first Vessel complained of, as has been before observed) to go to Sea again, at the same Time that he complains of the like Permission, with respect to other Vessels, are undeniable Proofs of this new Conduct of his, and of the little Occasion he himself really thought there was for his Complaint, “ of my permitting the very “ guilty Persons in the same Vessels, to “ proceed again to Sea.

Every Body knew that the *Eagle* went out again after a Pirate, which had just before taken one of our trading Vessels, richly laden, to Windward of our Island, which he may call in his Memorial, *Repeating the same Crimes*, but was indeed a signal Service to His Majesty and the Island of *Jamaica*, and an instance of the Usefulness and indeed Necessity of the Commissions I granted: For the Sloop that was taken by the *Eagle*, and which that Memorial seems to complain of, was one of the Pirate's Prizes, and as such was condemn'd, tho' the Prisoners, who were Pirates, taken in her, could not be try'd in the same Courts of Admiralty, which

which is his own Mistake, but were kept to be try'd in a Legal and regular Way, and had not been long in Prison when that Memorial was presented: So that I might with Justice return him his Compliment, for the unwillingness he shew'd to let the *Eagle* go to Sea on such an Account, and for his Concern for those Pirates, as well as his other Answers to our Complaints. All which favour'd but little of any Inclination in himself, to have that Justice done in Ours, which he required in his own Case.

As to the *Barsheba's* sailing again with the same Commission, and my permitting it by a fresh Let-Pass, which is proved by another Affidavit of Mr. *Page*, after I had left *Jamaica*: I can only say, I do not remember the signing that Let-Pass; but conceive what has been plainly made appear concerning Mr. *Page's* Veracity and Fidelity, in the Discharge of his Office, may give just reason to suspect he did, with respect to this Let-Pass, as by his own Ticket, set forth in the Report. However, I would not load even Mr. *Page* with any thing, of which I am not very certain. It may be possible I did knowingly sign such Let-Pass; if I did, it was in the usual Form, and Mr. *Page* must have Counter-sign'd it, and certified that

Secur.

Security was given in his Office, as the Law directed. Nor can I yet perceive, in what the Crime, or the Imprudence herein is made to consist, or of what use Mr. *Cavalier's* Affidavit is, to fix any such Charge upon me.

I believe I did send to Captain *Jennings*, who commanded the *Barsheba*, for his Commission, as is there sworn; and that it was upon Mr. *Cavalier's* own Application, who was one of his Owners and Securities; and I required the same from every other Commander, where the like Application was made: and some of them were delivered to me, tho' with great Unwillingness; the Commanders alledging, that their Commissions were necessary for their own Justification, in their legal Acts. In the Case of the *Barsheba*, I acted in the same manner as the rest; I sent my Orders to the Owners and Securities; whose Concern I thought it to be; and for what Reason, or by what Accident that Commission was not delivered up, I am not now able more particularly to say, nor did I indeed then think it to be a Matter of so much Consequence as it has been since represented; for I confess, I was then of Opinion (and I conceive I may still be of that Opinion, without being Criminal, tho' I should be mistaken) that

it

it was more adviseable at that Time to take Security for the Behaviour of every Vessel (which was the Effect of the Commissions) than not. And it must likewise be observ'd, that this Vessel sailed again some Time before *Don Juan's* second Memorial, and in Consequence of the Measures agreed upon with himself upon his first; because she could not be stop'd but by a Prosecution, and a Prosecution was then declined, and indeed could not be without some Information upon Oath, which was never offered. She sail'd again (at least, as was pretended) upon a Trading Voyage, which had I taken upon my self, by my own Authority, without any legal Proceeding to have hindred, it is very obvious what a Clamour wou'd have been rais'd upon it.

Besides, *Don Juan* knew very well himself, that Captain *Jennings* was a Person of Substance, who had about 400 *l. per Annum* of his own in *Jamaica*: And it was not therefore natural to suspect he had any Piratical Design, or would engage in any such. And that the Persons in whose Hands the greatest part of the Money said to be taken from the Wrecks by the Sloops *Eagle* and *Barstheba* was lodg'd, were sufficiently responsible: that it was not a Matter endeavour'd to be  
con-

conceal'd, the Parties themselves acknowledging the Receipt of the Money, and declaring they kept it not as their own, but expecting it, if Proof was made of what was then only reported, to restore it. And in that respect, immediate Prosecutions were the less necessary or adviseable, which had been *Don Juan's* own Opinion; and if he had alter'd that Opinion, as he professes to have done by his second Memorial, he had no Body to blame but himself, in not commencing those Prosecutions, which he was told from the beginning he had liberty to do, and which the going out of those Sloops did no ways hinder, with respect to the Money which was left a-Shoar. So that these were odious Insinuations, without Foundation; and made use of only in that Memorial, to gratify other People's Malice, and serve Designs which were then hatching, and which afterwards succeeded, to my Misfortune.

As to the Acts of Cruelty he mentions, I know not the Truth of the Facts; but if true, or if Piracies or Robberies were afterwards committed, it was not in my Power to prevent them. And I hope, I am not to be answerable for other Men's Villanies. As soon as conveniently could be done, after the Receipt of the second Memo-

Memorial, which was the first Intimation I had of any such Actions as are therein set forth, I published \* two Proclamations, which I have annex'd in the Appendix, and which I hope, will be allowed by every Body, except Mr. *Heywood* and his five Councillors, to have been some Answer to that Memorial.

As to his general Insinuations, that there was nothing on the one hand, but Depredations, Plunderings, Robberies, and Piracies daily committed, I suppose he means on our Side; I can only say, he was not so ignorant as he pretended, for I had taken care to inform him of many more Depredations, Plunderings and Robberies committed by the *Spaniards* upon us, than even he himself complained of, as done on our Side. And I desired he would Remonstrate the same likewise to the Governour of the *Havana*, and request him to forward it to the Court of *Spain*; But he told me again and again, that he had nothing to do with it; and that our People must go to *Madrid* themselves.

What is therein referred to the Memorial of *Don Manuel de Arrembura*, concerns the *Kenington* Sloop, taken by the *Bennet*,

---

\* *Vid.* Appendix, N<sup>o</sup>. V, VI.

which

which shall be answered in its proper place ; and then, I hope, I shall have given Satisfaction as to this second Memorial of *Don Juan*, \* who, if I am rightly informed, has been at length convinc'd himself, that those who prevail'd with him to present it, and enter into their Measures, have done him no other Service, than putting a stop to the Proceedings upon the Appeal, which I had allow'd, in order to the Reversal of a Sentence, which kept the *Spaniards* out of the greatest part of their Demands.

It is worth observing, that a good deal of Stress is laid here in the second Article, upon My not receiving what is called there My Share of the Money brought in by the Sloops *Eagle* and *Barsheba* : And two Affidavits are produced to prove, that I told the Deponents, "*I would have nothing to do with it, for that I had heard it was taken from the Shoar.*" Which I think was the same as to say, I would

---

\* Paragraph of a Letter from a Merchant of Jamaica, dated October 10. 1716. " The Agents are going, and don't stick to say, that since Lord Hamilton is removed, and the Party satisfied, nothing is minded but to cover the Pirates ; so many of their Friends being concerned in *Jennings*, and Robbing the Sloop in *Port-Royal* Harbour.

have

\ - - /

have nothing to do with Money unlawfully taken. And yet it seems, the refusal of it was culpable with Mr. *Heywood* and his five Councillors, whilst their whole Charge in the 3d, 4th, and 5th Articles, relating to the *Bennet* Sloop, is founded upon My having received a Sum of Money, not to My own Use (tho' there was a colourable Pretence for it in this Case, by the Sentence of a Court of Admiralty,) but with a plain and declared Intention, of securing it until the Property should be legally determin'd.

But with such Enquirers, even Contraries were to be reconciled, and doing and not doing, without any regard to the Intention, was to be alike Criminal in Me; the receiving Money however, was thought the more plausibly so of the two, and therefore that Matter was to be the more labour'd; Threats and Persuasions were both made use of to obtain the Affidavits now published: and yet after all, when the whole of that Affair is considered together, what is there in those Affidavits, that materially affects me? Whoever will peruse first My own Secretary's Letter, produced by them as Evidence against Me, and My particular Direction therein to *Fernando*, (who com-  
manded

manded the Sloop *Bennet* ) \* “ to use  
“ his utmost Care and Diligence, that no  
“ Embezzlements be made of any part of  
“ the Cargo, or any Dividend made a-  
“ mong his Men, that legal Proceedings  
“ may be had thereupon ; the contrary  
“ of which ( I told him ) would prove  
“ to the utter Ruine of himself and Fa-  
“ mily ; and compare it with My sub-  
sequent Conduct, set forth in the Report,  
That I first declared My Intention of  
getting the Money into My Hands, in  
order to its being secured, as aforesaid :  
And consider how necessary it became to  
temporize with Mr. *Bendish*, who was  
the Party who had all the Money in his  
Hands, in order to compass My Design.  
That instead of *giving Orders to direct*  
*Fernando not to come in*, as he swears, I  
did, by my Letter of the 24th of *May*,  
when I found fair Means and Persuasions  
were not likely to prevail, propose to  
Messieurs *Morris* and *Pratter*, Factors for  
the *South-Sea* Company, to fit out their  
Brigantine, in order to bring him in by  
Force. The which Letter being an un-  
answerable Proof of the Sincerity of my  
Intention in this Matter, both with re-

---

\* *Vid.* Articles, N<sup>o</sup>.

spect to the Service of the *Spaniards*, and of the *South-Sea* Company, I have annex'd it hereunto, with the Answer I received \*. And that afterwards, when I had got part of the Money, I did on the 9th of *June*, 1716. † in pursuance of such Declaration and Intention, make a Deposite of that Money, and acquaint the Council with My whole Proceeding therein. And did likewise then examine Mr. *Bendish*, and the several other Persons concern'd, and require them to deposite their Money, or give Security ; and in order to oblige them thereto, directed such a Proceeding as might compel them, as appears by the Minutes of that Day, hereunto annex'd. All which will, I hope, be allow'd to have been one uniform Proceeding tending to the same End. And that all this was done before I could possibly have the least Notice of any Complaint against Me, or had any Suspicion of it. Whoever, I say, considers these Circumstances, and observes in the Report, that Mr. *Bendish* had the Encouragement of a *Noli Prosequi*; and that his Examination was taken at several Times, each Affidavit concluding, and

---

\* *Vid.* Appendix, N°. VII, VIII, IX.

† *Vid.* Appendix. N°. X.

*farther this Deponent saith not ; and all ex parte, without any Opportunity given me to cross-examine him, and that he has thereby retain'd the rest of the Money in his own Hands ; I am fully satisfy'd will not think it necessary for me to enter into every Particular of his Affidavits ; especially since this Matter has already pass'd the Examination of Ministers, whom their very Enemies cannot suspect of having been partial in my Favour.*

I forbear now, for Considerations obvious to the Reader, to enter upon that Scene of Hardship I underwent, or to complain of the Variety of Affronts and Indignities put upon me by the Men then exalted in Power.

*Asperius nihil est humili cum surgit in altum.*

Nor is it to be accounted for, how *some Persons*, who had received many Civilities from Me, and with whom I never had any personal Difference, could be capable of joining in so unworthy and inhumane a Treatment, otherwise than that it has been long evident, *these Men* and too many others in the Country, have suffer'd themselves to be led, or rather driven into all their unaccountable Measures,

fures, by a Man of insatiable Avarice and Ambition, and of the most revengeful and implacable Temper ; whose Views have been long fix'd upon procuring *that Station* for himself, which he has been many Years opposing, and endeavouring by the vilest Arts, to bring to Neglect and Contempt ; a Method as vain and fruitless, as to expect to wipe out the Stains of his own Life by malicious Calumnies on other Men. However, though he has declared his Opposition to me was merely *Personal* ; for which I know of no Occasion I ever gave him, unless he has esteem'd it one, that I could not enter into a Confidence with such a Man ; I heartily forgive him, and wish, all other Injuries may be forgiven him : And I will venture farther, to give him this Piece of Advice, not to trust to *Subscription-Money* any more ; but to depend that his acting for the future, if he must be acting, with his Majesty's Governours, in carrying on the Publick Affairs for His Majesty's Honour, and the true Interest of his Country, will more probably tend (if past Deeds of the deepest Die can ever be forgot) to the gratifying his ambitious Hopes, than his obstructing those Measures. And so much I have thought My self oblig'd to say,

not out of any *personal Regard*, but to point out the true Source of all the \* *unhappy Differences in the Country*, and to unriddle the Mystery of the late Proceedings against me, which I believe have been the most Extraordinary of the Kind, that ever happen'd to a Person of my Character and Station in any of His Majesty's Colonies.

But to conclude ; if instead of what is charg'd by these Articles, it shall now appear, that I have not only not encouraged Piracy, but have had a due regard to His Majesty's Honour, and the Duty of my Office during my Administration; and in respect to the Robberies committed, have done every thing in my Power, as a just Governour and an honest Man, to detect Offenders, and by the most prudent and practicable Measures, to obtain Restitution to the Injur'd on both Sides ; and that My own particular Concern in any Vessel, did but the more determine me to that End; I hope, in the Opinion of the World (as well as that of His sacred Majesty, after having been fully inform'd) I shall

---

\* *Resolution of the Council the 9th of March, 1715-6.*

not only now appear innocent of that Charge, and not to have deserved the hard Usage which was the Consequence of it ; but likewise, that my Informers and Prosecutors have highly merited His Majesty's just Resentment, which they have brought upon themselves.





# APPENDIX.

Nº. I.

Jamaica ff.

*His Excellency the Lord ARCHIBALD HAMILTON, Captain General, and Governor in Chief, in and over His Majesty's Island of Jamaica, and the Territories thereon depending, in America, Chancellor and Vice-Admiral of the same.*

*To Captain JONATHAN BARNET, Commander of the Snow-Tyger, Greeting.*



HEREAS since the Proclamation of the Peace, lately concluded between the Crown of Great-Britain, and the Crowns of France and Spain, several British Ships, and other Vessels have been taken by Pirates, and frequent Depredations have been, and are by them daily made and committed upon the Subjects of Great-Britain, on the High Seas in the West-Indies; whereby the Navigation to and from this Island, is rendred extremely dangerous and unsafe. And whereas, for preventing of such Mischiefs for the future, it has been adjudged necessary, besides His Majesty's Ships

of War, to fit out and Commission other private Men of War. And whereas you Captain *Jonathan Barnet*, have to that End freely offered your self and the *Snow-Tyger*, whereof you are Commander, to Act against the Pirates, wherewith these Seas are at present infested, in His Majesty's Service.

Now know ye, that by Virtue, and in pursuance of the Powers and Authorities to me granted by His Majesty, I reposing especial Trust and Confidence in your Loyalty, Courage and Capacity, have by this Commission, which is to remain in Force for the Space of six Months from the Date hereof, and no longer, authorized and appointed, and hereby do authorize and appoint you the said *Jonathan Barnet*, to be Commander of the said *Snow-Tyger*, fitted out at the Charges of your self and Owners in a Warlike manner, therewith by Force of Arms to seize, take and apprehend all Piratical Ships and Vessels, with their Commanders, Officers, Crew and Ladings; and in general to commit, do and execute all manner of Acts of Hostilities whatsoever, against such Ships or Vessels, their Commanders, Officers and Crew, according to the Law of Arms, and the Customs of Nations; and I do hereby Command all Officers, Mariners and Soldiers in the said *Snow-Tyger*, to be Obedient to you in all Things, as their Commander. And you are to observe all such Orders and Instructions, as are herewith delivered unto you, or you shall hereafter receive from His Majesty, my self, or other your superior Officers. Given under my Hand and Seal at Arms, at *St. Jago de la Vega*, the 24th Day of *November*, in the Second Year of His Majesty's Reign, *Annoq; Domini, 1715*.

A. HAMILTON.

By his Excellency's Command,  
WILL. COCKBURN.

Nº. II.

Jamaica ff.

*His Excellency the Lord ARCHIBALD HAMILTON, Captain General, and Governor in Chief, in and over His Majesty's Island of Jamaica, and the Territories thereon depending, in America, Chancellor and Vice-Admiral of the same.*

*Instructions for Captain JONATHAN BARNET, Commander of the Snow-Tyger, which are to remain in Force six Months, no longer.*

1. **Y**OU are according to your Commission to commit, do and execute all manner of Acts of Hostility against Pirates, according to the Law of Arms.

2. That you do not on any Pretence, commit any Acts of Hostility, Depredation, or other Injuries or Trespases whatsoever, on any of His Majesty's Allies, Neuters, Friends or Subjects, but that in all Things you succour and relieve them according to your Capacity.

3. That you bring into your Commission-Port all such Pirate or Pirates as you shall take, there to be proceeded against according to Law.

4. That you keep a fair Journal of all your Proceedings ; and on your Arrival, you deliver to His Majesty's Captain General, or Commander in Chief for the Time being, a fair Transcript or Copy thereof.

5. That under Colour of your Commission, you do not carry off this Island any Person or Persons

noto-

notoriously indebted, either Planter, Merchant, or others ; but that you take Care to inform your self aright of each and every your Men's Conditions and Circumstances, and bring them all back again with you (Death and Danger of the Seas excepted) and that before you set Sail from the Harbour of *Port-Royal*, you deliver to the Chief Officers of the Customs of that Port, an exact List of all your Men, belonging to your said *Snow-Tyger*, containing their Names, Ages, and Description of their Persons.



6. You are hereby required to wear no other Jack, than that worn by His Majesty's Ships, with a Distinction of a white Escutcheon in the middle thereof, according to the Sample hereunto annex'd.

Of all which Instructions you are to take due Notice, and pay Obedience thereunto. Given under my Hand at *St. Jago de la Vega*, the 24th of November, 1715.

A. HAMILTON.



Nº. III.

N<sup>o</sup>. III.

Jamaica ff.

**K**NOW all Men by these Presents, that we *Jonathan Barnet*, Commander of the *Snow-Tyger*, *Lewis Galdy*, and *Daniel Axtell*, of the Parish of *Port-Royal*, Esqrs. are held, and firmly bound unto his most Excellent Majesty *GEORGE*, of *Great-Britain, France and Ireland*, King, &c. of *Jamaica* Lord, Defender of the Faith, &c. in the Sum of one thousand five hundred Pounds, current Money of this Island, to be paid unto his said Majesty, his Heirs or Successors; to which Payment well and truly to be made, we bind our selves, and every of us, our and every of our Heirs, Executors and Administrators, jointly and severally, firmly by these Presents, sealed and dated the 24th Day of *November*, in the Second Year of His Majesty's Reign, *Annoq; Domini, 1715*.

The Condition of this Obligation is such, That whereas the above bounden *Jonathan Barnet* hath obtained a Commission, bearing equal Date with these Presents, from his Excellency the Lord *Archibald Hamilton*, Captain-General, and Governor in Chief of this Island, and other the Territories thereon depending, Chancellor and Vice-Admiral of the same, for a private Man of War, against Pirates, for the *Snow-Tyger*, Burthen . . . . . Tuns, or thereabouts, mounted with . . . . . Guns, and navigated by . . . . . Men; and that the same is fitted out at the Costs and Charges of himself and Owners: If therefore the said *Jonathan Barnet* shall well and truly preserve the Leagues of His Majesty with his several Allies, Neuters and Friends, according to the several Treaties and Capitulations; and also use his utmost Endeavours to take, burn, sink, and

and otherwise destroy all such Pirate or Pirates, as he may meet with ; and to bring into his Commission-Port such Pirate or Pirates as he shall seize or take, there to be proceeded against according to Law ; and shall not carry any Man off this Island, but Seafaring Men, in his said *Snow-Tyger* ; and also perform and observe the Instructions given him with the said Commission ; then this Obligation to be void, otherwise to remain in full Force and Virtue.

Sealed and delivered in  
the Presence of us,  
*William Cockburn,*  
*Thomas Turner.*

*Jonathan Barnes,*  
*Lewis Galdy,*  
*Daniel Axel.*



*Minutes of Council of Jamaica, the 9th of  
February, 1715-16.*

P R E S E N T

His Excellency Lord ARCHIBALD HAMILTON,  
Captain General.

*Peter Heywood,  
Francis Rose,  
John Stewart,  
John Peck,  
Valentine Mumber,*

} Esqrs.

*Richard Rigby,  
Thomas Bernard,  
James Archbould,  
John Sadler.*

} Esqrs.

**H**IS Excellency and the Council taking into their Consideration the Letter to his Excellency from the Governour of the *Havanna*, the Extract of a Junro of the Council of Commerce at the *Havanna*, and the Memorial of Captain *Don Juan del Valle*, Deputy of the said Council of Commerce of his Catholick Majesty, and of the Flota, lately under the Command of *Don Juan Estebano de Vuillia*, Kt. of the Order of St. *James*, in the Presence of the said *Don Juan del Valle*, in order to his Excellency's and the Council's better understanding his Demands, whereby his Excellency, with the Advice of the Council, may return such Answer to the said Letter, Memorial, &c. as is agreeable to Justice;

Declare their utmost Detestation of the Hostilities and Depredations said to be committed by the Subjects of the King of *Great-Britain*, on the Subjects of his Catholick Majesty, in Violation of the late Treaties of Peace and Commerce between their said Majesties. His Excellency and the Board conceive they

they have not given any just Occasion for charging his *Britannick* Majesty's Government in this Island, with the least Breach of, or disregard to the said Treaties, concluded between their *Britannick* and *Catholick* Majesties : On the contrary, his Excellency and this Board had an Opportunity of giving an early Instance of their Sincerity and Readiness strictly to observe the same, upon Occasion of a Complaint from *Hispaniola*, of a Descent made on that Island, just after the Suspension of Arms, and before the Knowledge of it to the Persons making that Descent, who carry'd off several *Negroes*, a Quantity of Indigo, and other Things of a considerable Value ; for all which his Excellency caused full Satisfaction to be rendred to the Parties aggriev'd in two Days after he had Notice thereof.

And his Excellency was very much surpriz'd, when upon a like Application some little Time after to the several Governments of *Cuba*, for Satisfaction, in behalf of one of his *Britannick* Majesty's Subjects on the North-side of this Island, who was robb'd and plunder'd by the Subjects of his *Catholick* Majesty, and no Satisfaction could be obtained ; which cannot be unknown to the present Governor of the *Havanna*, the Person aggriev'd having Personally attended the said Governor at the *Havanna*, with Letters from his Excellency on that Subject.

So that the *Spaniards* being the first Aggressors, his Excellency and the Council think they should be the first to give Satisfaction, at least they conceive it highly reasonable that the Satisfaction to be made should be Reciprocal.

That as to such part of the *Flora* Ship-wreck'd on the Coast of *Florida*, as remain'd in the Possession of the Subjects of his most *Catholick* Majesty, of which it is pretended they were dispossefs'd ; it is the Opinion of his Excellency and the Council, that the Disposseffors are Robbers, and ought to be treated as such ; but conceive such part of the said *Flora*, if any, lying Derelict, from which the Subjects of his  
Catho-

Catholick Majesty were not drove and forc'd out of Possession, belonged to the first Occupant.

That they could no ways admit, that the *Bahama* Islands were part of the Dominions of the King of *Spain*, but look'd upon the same to be his *Britannick* Majesty's, and had for a long time past been in the Possession of his Subjects.

That his Excellency and the Board are of Opinion, that Restitution ought to be made to the Subjects of his Catholick Majesty, for their Losses sustain'd, by Hostilities committed on them by the Subjects of his *Britannick* Majesty, since the first Suspension of Arms.

But his Excellency and the Board offer'd to the Consideration of the said *Don Juan del Valle*, whether the prosecuting the Officers and Mariners, belonging to the two Vessels complain'd of, or issuing such Proclamation, as is desired in the said Memorial, may not probably deter others that are still out, and may have been upon the Wrecks, from returning to this Island, and be a means of putting them upon desperate Attempts of more pernicious Consequence to the Crown of *Spain*; and whether the deferring Prosecution until the return of all or most part of the Vessels, suspected to have committed any unlawful Act, may not upon that Account be most adviseable; but assured him at the same time, he was at Liberty to take such Measures against the Subjects of his *Britannick* Majesty in this Island, for the Satisfaction of the King of *Spain* and his Subjects, for all Hostilities committed on them, as by the Laws of *Great-Britain* and this Island are prescribed.

Upon the whole, the said *Don Juan del Valle* declin'd insisting on any Criminal Prosecution, alledging, that in Case of such Consequences happening, as might justly be fear'd, the Blame thereof might be imputed to him.

And further desired, in regard to the Amity and Friendship between their Catholick and *Britannick* Majesties, his Excellency and the Council wou'd take  
such

such Measures for the Satisfaction of his Catholick Majesty and his Subjects, in the Premises, as to them should seem most just and reasonable; and as to the Restitution for the Damages his *Britannick* Majesty's Subjects have sustained, from Hostilities committed by the Subjects of his most Catholick Majesty, he knew no other way but by applying to the Court of *Spain*.

It is therefore the humble Opinion and Advice of this Board, that his Excellency be pleas'd to return such Answer to the Governor of the *Havana's* Letter, and Representation of the Council of Commerce, as his Excellency shall think adviseable on these Heads.

And the Board at the same time humbly desir'd his Excellency, that he would make the most pressing Instances, that Satisfaction be made to his *Britannick* Majesty's Subjects, for the Damages by them sustained, from Hostilities committed by the Subjects of the King of *Spain*, at a moderate Computation, amounting at least to Two hundred thousand Pieces of Eight, with the Assurances of the Continuance of our utmost Endavours, for rendring as far as in us lies, ample and impartial Justice upon all Occasions to the *Spanish* Nation.

A. HAMILTON.

S. Page, Secretary.



Nº. V.

N<sup>o</sup>. V.*By his Excellency the Governor,*

## A PROCLAMATION.

**W**HEREAS since the Proclamation of the Peace, lately concluded between the Crowns of *Great-Britain* and *Spain*, several Acts of Hostility, Depredation and Piracies, have by *Spanish* Vessels been committed and made upon the Subjects of *Great-Britain*, on the High Seas in the *West-Indies*, whereby the Navigation to and from this Island, has been rendred extreamly dangerous and uneasy. And whereas, upon the Application of several Merchants and Traders, Inhabitants of this Island, for the Prevention of such Mischiefs, it was thought necessary, besides His Majesty's Ships of War, to Commission other private Men of War, in order to the suppressing such Pirates and Sea-Rovers, Commissions were accordingly granted for the seizing, taking and apprehending all Piratical Ships and Vessels, with their Commanders, Officers, Crew and Ladings, and in general to commit, do and execute all manner of Acts of Hostilities against such Ships and Vessels, their Commanders, Officers and Crew, according to the Law of Arms, and the Custom of Nations; since the granting which Commissions, many Complaints have been made of Piracies on the High Seas, and other Depredations committed both on the Subjects of the Crown of *France*, and the Subjects of the Crown of *Spain*, as well by some Vessels so commission'd, as by other Vessels belonging to this Island not having any Commission, contrary to, and in manifest Breach of the Instructions, together with their respective Commissions delivered to the Commanders of such commissioned Vessels.

And

And whereas the Intention of granting such Commissions has been notoriously perverted, there being too just Reason to apprehend, that several Acts of Piracy and Depredations have been committed, as well by some of the Vessels so commissioned, as by other Vessels sailing out of this Island without any Commission.

To the intent therefore, that an immediate Stop may be put to such destructive piratical and illegal Proceedings, I have thought fit, by and with the Advice of the Council, to issue this Proclamation, strictly commanding and requiring all Commanders of Vessels, commissioned as aforesaid, upon their Allegiance, forthwith to return with their respective Vessels to the Harbour of *Port-Royal*, in this Island, together with such Vessels and Effects as have been by them, or any of them seized or taken, by Virtue or under Colour of such Commissions, to the intent that such Proceedings may be thereon had, as shall be agreeable to Law and Justice. Given at *St. Jago de la Vega*, the 24th of *April*, 1716. In Testimony whereof, I have caused the Great Seal of this Island to be hereunto affixed.

A. HAMILTON.



N<sup>o</sup>. VI.*By his Excellency the Governor,*

## A PROCLAMATION.

**W**HEREAS it has been represented to me, by a Memorial deliver'd by *Don Juan del Valle*, styling himself Deputy of, and of the Council of Commerce of his Catholick Majesty the King of *Spain*, that divers of the Subjects of his *Britannick* Majesty belonging to this Island, had in a warlike Manner committed Hostilities upon the Subjects of his said Catholick Majesty, and had forcibly taken from them Goods and Money to a considerable Value, in Breach, as it is alledg'd, of the Treaties of Peace and Commerce, concluded between their said *Britannick* and Catholick Majesties. And whereas it is also alledg'd, that divers of his said *Britannick* Majesty's Subjects are sailed out of the Ports and Harbours of this Island, with intent to Dive and Fish upon the Flota, lately commanded by *Don Juan de Vuilia*, Knight of the Order of *St. James*, stranded or cast on Shoar upon part of the Dominions of his said Catholick Majesty, but still remaining, as is set forth, in the actual Possession of the Subjects of his said Catholick Majesty, endeavouring to recover their Effects. And whereas, notwithstanding many fruitless Complaints and Applications have been made by the Subjects of his *Britannick* Majesty, to divers of the Governments of his Catholick Majesty in these Parts, for Reparation of many Acts of Hostility, committed by the Subjects of his Catholick Majesty, upon the Subjects of his *Britannick* Majesty, not on ly upon the High Seas, but even by Landing upon this his Majesty's Island, and robbing the Inhabitants thereof since the Cessation of Arms,

agreed

agreed upon between their said Majesties, for which no Satisfaction has been obtained. Being nevertheless desirous, and fully resolv'd, agreeable to the Commands of his *Britannick* Majesty my Master, as far as is in my Power, to cause the said Treaties of Peace and Commerce inviolably to be observed by all his said Majesty's Subjects under my Government; and having already given Proof of my Sincerity herein, by causing an exact Restitution to be made; for Hostilities and Depredations that were committed by Vessels belonging to this Island, upon some of the Inhabitants of *Hispaniola*, after the Cessation of Arms, tho' His Majesty's Subjects have not been able hitherto to obtain equal Justice in Cases of like Nature; for Redress whereof I have already, and shall continue to make Application to His Majesty, from whose Interposition with his Catholick Majesty it is not to be doubted they will find Relief. Upon full Consideration of the Premises, I have thought fit, by and with the Advice of His Majesty's Council of this Island, to publish this Proclamation, hereby strictly charging and commanding all and every his said Majesty's good and loving Subjects, under or belonging to my Government, upon pain of their Allegiance, not to molest or disturb any of the Subjects of his said Catholick Majesty, who remain in Possession of any of the Ships, or Effects belonging to the Flora abovementioned, and stranded or cast on Shoar on any Part of his said Catholick Majesty's Dominions, nor to hinder them in any manner from endeavouring to recover their Effects; hereby likewise inhibiting all and every the Subjects of his said *Britannick* Majesty, to Dive or Fish upon any of the said Flora so stranded; during such time as the Proprietors of any of the said Vessels, or any other by them to that End employ'd, shall continue to Work thereon; and that none may pretend Ignorance herein, or imagine that to be lawful, which is not agreeable to the Law of Nations in like Cases, all his said Majesty's loving Subjects are hereby requir'd

to take Notice, that they do not presume to Work, or Fish on any Part of the said Flota or Wrecks, until the same be Derelict, and in no Case, until the Term of twelve Months and a Day, to commence from the Day that the said Flota was so stranded, or cast on Shoar as aforesaid, shall be fully expired, as they shall answer the contrary at their Perils. Given at St. Jago de la Vega, the 25th of April, 1716. in the second Year of His Majesty's Reign. In Testimony whereof, I have caus'd the Broad Seal of this Island to be hereunto affixed.

A. HAMILTON,



Nº. VII.

*May the 24th, 1716.*

*Gent.*

CONceiving it necessary for His Majesty's Service, and for the Security of Trade and Navigation in these Parts, that an effectual Stop should be put to the illegal and violent Injuries and Hostilities of late committed by some of His Majesty's Subjects of this Island, on the Subjects of the King of Spain; and being of Opinion, that the Seizing of the Sloop *Denner*, and bringing her into Port, in order to an impartial and legal Examination of her Proceedings and doing Justice to the *Spaniards*, would very much tend to that End, I have determin'd to endeavour effecting the same; and being sensible how acceptable a Service this must be to the *South-Sea* and *Affairs*

entq

ento Companies, by re-establishing a Confidence betwixt His Majesty's Subjects and those of that Nation, I doubt not of your Assistance herein, as you are Factors to that Company, and without which, in the Condition His Majesty's Revenue is now in, and the Island without a Guard of His Majesty's Ships, it is impossible for me to undertake a Design of this Nature.

My Request to you therefore is, that you furnish your Brigantine with Twenty Seamen, such as may be trusted, to whom I will add Fifty Soldiers, with Officers, who shall be impower'd to bring in the said Sloop; and that Ten Days or a Fortnight's Provisions be put on Board, for the Number of Men mention'd, in order to put this Design in Execution, the Success of which in great Measure, depends upon the Secrecy and Dispatch of it; I must therefore desire you will forthwith acquaint me whether you can comply with what I have propos'd by *Saturday* or *Sunday* Morning at farthest, and in the mean Time, nothing on my part shall be wanting to render it successful; I have a good Opinion of Captain *Ferrel*, and if you approve of him to command your Vessel on this Occasion, we need look no further.

I have discours'd Mr. Attorney-General on this Subject, to whom you may freely communicate your Thoughts. I am &c.

*To Mess. Morris and Pratter,  
at Kingston.*

N<sup>o</sup>. VIII.

May the 25<sup>th</sup>, 1716.

May it please Your Excellency,

**Y**OUR Lordship's Letter came to our Hands, late last Night; your Intentions for suppressing the Hostilities and Depredations committed of late, is doubtless highly just and honourable, and as for the Brigantine, *George Augustus*, she's intirely at Your Lordship's Service; but we must apprize you, she's at present unrig'd, and has no White Man, save the Master, belonging to her. We humbly beg Leave to represent farther to Your Lordship, that if the Number of Seamen you desire, could be procured, which at this Time we do not know where to find, and least of all, such as may be trusted, the firing out of this Vessel would immediately be suspected, and as there is so many of our Townsmen concern'd in the *Bennet*, Notice would be given her, grounded only on Suspicion, and you might reasonably suppose, she would be directed immediately to put to Sea.

The Master of a Canoo that came in Yesterday, says he pass'd by the Sloop *Bennet*, at an Anchor to *Leward* of *Wreck-Riff*, that there appear'd to be a great many Men on Board her; so that unless in Your Lordship's Judgment, it should be thought feasible that something may be manag'd by Way of Surprize, by sending a Number of Soldiers by any Sloop, to appear in the Nature of a Trader, or Sugar-drogar, and lay them on Board unexpectedly, all other Means at this Time will (in our Thoughts) be ineffectual, and even this if it cannot be managed with the utmost Secrecy and Dispatch. We have communicated as much to Colonel *Brodrick*, who went this Morning on Business to *Port-Royal*, therefore

fore we send this Messenger on purpose, with this our Letter, which favours us with the Opportunity of rendring Your Excellency that profound Duty and Respect, with which we are, &c.

S. Morris *and* Pratter.



N<sup>o</sup>. IX.

*May the 25th, 1716.*

*Gent.*

**I** Am sorry you find Difficulties in procuring the Seamen necessary for executing the Design I propos'd; what you offer in Relation to a Sugar-drogar, I conceive will be altogether ineffectual; however, I shall continue to give Demonstrations of doing every thing in my Power, towards discouraging and preventing the Disorders so justly complain'd of. I am, &c.

*To Mess. Morris and Pratter.*



N<sup>o</sup>. X.

N<sup>o</sup>. X.

*At a Council held at St. Jago de la Vega,  
the 9th of June, 1716.*

## P R E S E N T

His Excellency the Lord ARCHIBALD HAMILTON, Captain-General, &c.

<i>Francis Rose,</i>	} Esqrs.	<i>Richard Rigby,</i>	} Esqrs.
<i>John Stewart,</i>		<i>Thomas Bernard,</i>	
<i>John Pecke,</i>		<i>William Broderick,</i>	

**H**IS Excellency acquainted the Board, that he had order'd the Owners of the Sloop *Behnet*, commanded by Captain *Francis Fernando*, to attend this Day, that Sloop having been some time since commission'd, with some others, for suppressing of Pirates, by whom the Island is and of late has been so much infested: However, he was sensible a wrong Use had been made of some of those Commissions, and particularly by *Fernando*, whom he had good Reason to believe had exceeded his Commission, and violated his Instructions, by his Conduct and Proceeding in the Capture of the Sloop *Kensington*, formerly belonging to some Merchants of this Island; and that the Board was not altogether unacquainted with this Affair, having laid before them the Complaint of the Governor of the *Havanna*, and the Representation of the Council of Commerce at that City upon it; and *Don Juan del Valle*, who solicites it, having been several times before the Board; and that they knew what Steps had been made upon his pressing Instances: That he was perswaded when they were made acquainted with every Circumstance of his Proceedings in that Matter, and that nothing had

had been kept from them, they would agree with him, that that Gentleman had contributed in great Measure to the rendering the Satisfaction and Restitution he demanded impracticable.

His Excellency own'd, he had the Misfortune to be himself interest'd in the Sloop *Bennet*; but whatever Disadvantage and Loss he might sustain thereby, he all along intended, and hop'd to make it appear, that it was no unlucky Circumstance to the right Owners and Proprietors of the *Spanish* Cargo, taken in the Sloop *Kensington*. With this Resolution, and upon this Principle, he represented frequently to *Don Juan* to consider, that rigorous Measures at that Time was not the likeliest to obtain what he desired. That the Shell was only in his Power, (meaning the Sloop *Kensington*) the Substance being removed into the other; that he thought it for the Service of the *Spanish* Nation, to disguise in some Measure his Resentment of the Irregularities committed by our People, that it might not deter them from returning to this Island. That tho' they were not the first Aggressors, yet he was far from countenancing the making of Reprizals; that he intended to have seiz'd *Fernando's* Sloop, with all the Effects upon her Arrival; but that the Measures *Don Juan* proposed would (he was afraid) deter *Fernando* from coming into Port, and that *Don Juan* seem'd at that time to agree to his Reasoning. What the Motives have been, that has induced *Don Juan* to change his Sentiments, and press for the issuing Proclamations, he could not inform them; but said the Event had now shewn, that he was not much out in his Judgment.

That as soon as he perceived that *Fernando* did not intend to come into Port, he took Measures for getting into his Hands the Money that was called his Part. And what that was would appear by Mr. *Bendish's* Letter and Receipt, which his Excellency produc'd, and desir'd might be entred on the Minutes, and is as follows.

G

Kingston,

Kingston, 31 May, 1716.

My Lord,

*I*N Obedience to your Excellency's Command, I have this Day deliver'd to Mr. Cockburn five Bags of Silver, for which he has given a Receipt in the Words, as under-written.

I am,

My Lord,

Your Excellency's most Faithful Servant,

*T. Bendish.*

Receiv'd the 31<sup>st</sup> of May 1716. of Mr. Bendish, by Direction of his Excellency the Lord Archibald Hamilton, five Bags of Silver, weighing as follows,

N <sup>o</sup> .	l.
1 - - -	1 Bag with 120 l. Troy Weight, 12 Ounces to the Pound.
2 - - -	1 ditto, - - - 100 - - - ditto.
3 - - -	1 ditto, - - - 100 - - - ditto.
4 - - -	1 ditto, - - - 79 1 Ou. ditto.
5 - - -	1 ditto, - - - 69 4 <sup>1</sup> / <sub>2</sub> with a Sow of Silver.

---

468 5<sup>1</sup>/<sub>2</sub>

---

In all four Hundred sixty eight Pounds five Ounces and half; besides the Bags, which weigh'd eight Pounds five Ounces; which Silver and Bags by the Still Yards, weigh'd four Hundred and sixteen Pounds Grofs. I say receiv'd,

WILLIAM COCKBURN.

*This is a true Copy,*

T. BENDISH,

His

His Excellency then assur'd the Board, that that was all that had come to his Hand, and notwithstanding the Condemnation in the Court of Admiralty, in favour of the Captors, he very much doubted his Right or Title to any Part of it; and therefore he made a Deposit of that Money, and should be answerable for it, when the Property should be determin'd by a legal and impartial Proceeding.

The Board unanimously returned their humble Thanks to his Excellency, for his just and prudent Management in this Affair, and were of Opinion, had *Don Juan* taken more prudent Measures, his Lordship might have had an Opportunity of securing more of these Effects, and thereby have been able to render fuller Satisfaction.

The Board were likewise of Opinion, that the several Owners of the Sloop *Bennet* should either deposit the Money and Effects that has come to their Hands of the Cargo of the Sloop *Kensington*, or else give unquestionable Security to be accountable for the same, when thereunto lawfully requir'd.

Then the Owners of the Sloop *Bennet* were call'd in, and his Excellency acquainted them that he had sufficient Reason to believe *Fernando* had exceeded his Commission, and had broke through his Instructions, and had not paid due Obedience and Regard to His Majesty's Proclamation, calling in all such commission'd Vessels; that he did not mention these Things, as thinking they were Chargeable with them, but that they certainly were accountable for whatever Effects had come to their Hands. That he had laid before the Board what had come into his, as one interest'd in that Vessel; that notwithstanding the late Sentence of the Court of Admiralty, in favour of the Captors, he very much doubted his Right to any Part thereof. That he hoped their Intentions were equally fair and just, and that they would chearfully and readily follow the Example he had set them, either by depositing what has come to their Hands, or at least by giving  
unque-

unquestionable Security, to be accountable for what has come to their Hands, when thereunto lawfully requir'd. To which they answer'd, that they'd give Security, as his Excellency desir'd.

And they were thereupon order'd to attend Mr. Chief Justice with sufficient Security, at his House in *Spanish Town*, on *Thursday* the 21<sup>st</sup> Instant. And Mr. Chief Justice was desir'd to take their Security accordingly.

*F I N I S.*







1



